



**ROANOKE CITY COUNCIL
REGULAR SESSION**

**FEBRUARY 7, 2005
2:00 P.M.**

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Harris.

Welcome. Mayor Harris.

NOTICE:

Today's Council meeting will be replayed on Channel 3 on Thursday, February 10, 2005, at 7:00 p.m., and Saturday, February 12, 2005, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

Introduction of middle school students from Wonju, Korea.

A Resolution memorializing the late Hunter B. Andrews, former U. S. Senator.

R 8

A Resolution memorializing the late Eunice R. Poindexter, a former civil rights activist.

R 10

A Resolution memorializing the late William A. Sowers, former member of the Roanoke City Planning Commission.

R 12

Proclamation declaring the month of February, 2005, as Love Your Library Month. P 14

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meetings of Council held on Monday, December 6, 2004 and Monday, December 20, 2004. P 15;
P 51

RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

C-2 A communication from the City Manager requesting that Council schedule a public hearing for Tuesday, February 22, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, in connection with conveyance of an easement across City-owned property to Appalachian Power Company at the Roanoke Civic Center facilities. P 87

RECOMMENDED ACTION: Concur in the request.

C-3 A communication from the City Manager requesting that Council schedule a public hearing for Tuesday, February 22, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, in connection with lease renewal of the Alexander-Gish House. P 88

RECOMMENDED ACTION: Concur in the request.

C-4 A communication from the City Manager recommending adoption of the Calendar of Events for Budget Preparation Activities for fiscal year 2005-2006. P 90

RECOMMENDED ACTION: Concur in the recommendation.

C-5 A communication from the City Planning Commission transmitting the 2004 Annual Report. P 93

RECOMMENDED ACTION: Receive and file.

C-6 A communication from Bobby Lavender tendering his resignation as a member of the Board of Fire Appeals. P 96

RECOMMENDED ACTION: Accept resignation and receive and file communication.

C-7 Qualification of the following persons:

William H. Cleveland as a member of the Court Community Corrections Program Regional Community Criminal Justice Board, for a term ending June 30, 2007;

Francine L. Craven to fill the unexpired term of F. B. Webster Day, resigned; and Mark H. Hurley to fill the unexpired term of Cheryl D. Evans, resigned, as members of the Youth Services Citizen Board, ending May 31, 2006;

Vincent G. Dabney as a member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term ending December 31, 2007;

Donald C. Harwood as a member of the Architectural Review Board, for a term ending October 1, 2007;

William C. Holland as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2007;

William B. Hopkins, Jr., as a member of the Roanoke Arts Commission, for a term ending June 30, 2007; and

Robert B. Manetta as a member of the City Planning Commission, for a term ending December 31, 2008.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. Request to report on activities of the Virginia First Cities Coalition. Neal Barber, Executive Director, Spokesperson. (Sponsored by the City Manager.) P 97
- b. Request to present the 2004 Report of Economic Development Activity by the Roanoke Valley Economic Development Partnership. Phillip F. Sparks, Executive Director, Spokesperson. (Sponsored by the City Manager.) P 98

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

- 1. Adoption of a resolution calling upon the Governor and the General Assembly to make transportation a primary focus of the 2005 Session of the Virginia General Assembly. P 100;
R 102
- 2. Amendment of the City Code in connection with implementation of tax exemption for use of certified solar energy equipment, facilities and devices. P 106;
O 108
- 3. Amendment of the City Code in connection with implementation of certain changes to the City's Tax Exemption Program for rehabilitated real property. P 112;
O 114
- 4. Acceptance of the Rescue Squad Assistance Fund Grant, in the amount of \$25,000.00, for purchase of Lead EKG and Mass Casualty Equipment. P 116;
B/O 118;
R 119
- 5. Acceptance of the Domestic Violence Program Grant from the Virginia Department of Criminal Justice Services, in the amount of \$34,703.00. P 120;
B/O123;
R 124
- 6. Authorization to increase staff in the Department of Social Services by the addition of two full-time employment service workers and one part-time social worker; and appropriation of funds. P 125;
B/O128

7. Authorization to execute a Memorandum of Understanding with the Virginia Department of Transportation with regard to the Lick Run Greenway. P 130;
R 135

8. Authorization to execute appropriate documents with the Virginia Department of Rail and Public Transportation in support of the application of FreightCar Roanoke, Inc., for Railroad Industrial Access Program funds. P 136;
R 138

b. CITY ATTORNEY:

1. Authorization to execute a Consent to Assignment and endorsement of an Assignment and Assumption Agreement approving the assignment and assumption by Cooper Industries, Inc., to Cooper Crouse-Hinds, LLC, of a Lease and Option to Purchase Agreement dated July 7, 1983, with regard to Parcels 2 and 6 at the Roanoke Centre for Industry and Technology. P 140;
O 143

2. Authorization for waiver of the City's sovereign immunity in connection with the use of Valley View Mall on Saturday, April 30, 2005, for Citizens Appreciation Day. P 145;
R 146

c. DIRECTOR OF FINANCE:

1. Financial report for the month of December 2004. P 147

7. REPORTS OF COMMITTEES: NONE.

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED ON FRIDAY, FEBRUARY 18, 2005, AT 8:30 A.M., IN ROOM 159, NOEL C. TAYLOR MUNICIPAL BUILDING, FOR THE CITY COUNCIL'S ANNUAL FINANCIAL PLANNING SESSION.

WMH

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late Hunter Booker Andrews, who served as a Senator in the Virginia State Senate for 32 years.

WHEREAS, the members of Council learned with sorrow of the passing of Mr. Andrews on Thursday, January 13, 2005;

WHEREAS, Mr. Andrews was a native and life-long resident of Hampton;

WHEREAS, Mr. Andrews received a diploma from Hampton High School in 1938, was a 1942 graduate of The College of William and Mary, and earned his law degree at the University of Virginia School of Law in 1948;

WHEREAS, for four years Mr. Andrews was a United States Naval Officer serving in the Pacific Theater during World War II;

WHEREAS, Mr. Andrews maintained a law practice in Hampton until retiring in 2003;

WHEREAS, Mr. Andrews led the effort to desegregate schools in the early 1960s, both while a member of the Hampton School Board from 1957 to 1962, and as a State senator in the years that followed, pushing abolition of the poll tax and other measures that erased segregation efforts;

WHEREAS, Mr. Andrews served as a State senator for 32 years (1964-1996), where he established himself as a leader on election law, education and transportation, and pushed to expand Virginia's public colleges and universities;

WHEREAS, Mr. Andrews once said his proudest accomplishment in the General Assembly was authoring legislation in the 1960s requiring compulsory school attendance to age 17;

WHEREAS, Mr. Andrews was instrumental in passing a bill that required all school systems to offer kindergarten;

WHEREAS, during his tenure, Mr. Andrews dominated the Senate, serving for a time as both the Majority Leader (1980-1995) and as Chairman of the Finance Committee, and effecting changes in the dynamics of State budgeting still felt today;

WHEREAS, Mr. Andrews was always caring about all of Virginia, notably Roanoke and Western Virginia's interests, and he exemplified the qualities of a true statesman in his understanding that the General Assembly was responsible for all the people of the Commonwealth no matter where they lived in the Commonwealth; and

WHEREAS, at the end of his service as Senator, Mr. Andrews re-emerged on Capitol Square as an elder statesman, serving on boards and commissions dealing with cost-effective government and reining in fiscal crises that arrived with the 21st century.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of Hunter Booker Andrews, and extends to his family its sincerest condolences.
2. The City Clerk is directed to forward an attested copy of this resolution to Mr. Andrews' wife, Cynthia Bentley Robinson Andrews, of Hampton, Virginia.

ATTEST:

City Clerk.

WMT

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late Eunice R. Poindexter, a Roanoke native and former school teacher, church historian, and civil rights activist.

WHEREAS, the members of Council learned with sorrow of the passing of Ms. Poindexter on Thursday, January 13, 2005;

WHEREAS, Ms. Poindexter was a native and life-long resident of Roanoke;

WHEREAS, Ms. Poindexter taught drama and music at the former Lucy Addison High School for 17 years and later at the Booker T. Washington Junior High School and Breckinridge Junior High School, totaling more than 40 years;

WHEREAS, students of Ms. Poindexter, who was known as "Lady P.," have described her as a person who could bring learning alive;

WHEREAS, throughout her life, Ms. Poindexter was a member of First Baptist Church in Gainsboro where she served in many areas including as a member of the Sunday School Orchestra, a Sunday School teacher, Daily Vacation Bible School Counselor, director of the Young People's Choir (for 13 years), the founder and director of the First Baptist Church Drama Guild, and Vice President of the Trustee Board; and assisted in directing the Church Choir;

WHEREAS, after serving as church historian for a number of years, Ms. Poindexter wrote a book titled Journey of Faith: A History of First Baptist Church; and

WHEREAS, Ms. Poindexter served on a number of boards and committees dealing with race and was active in her community through organizations such as Beta Chi Omega Chapter of Alpha Kappa Alpha Sorority (founder and president), Les Joyeuses Amies (founder and president), the Moles magazine (national editor), the Roanoke Chapter of the Moles (founder and president), the Burrell Memorial Hospital Association (president), the Mental Health Association (secretary and vice president), and YWCA of Roanoke Valley.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest regret and

sorrow at the passing of Eunice R. Poindexter, and extends to her family its sincerest condolences.

2. The City Clerk is directed to forward an attested copy of this resolution to Ms. Poindexter's sister, Odelle P. Mebane, of Roanoke, Virginia.

ATTEST:

City Clerk

WMT
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late William Armand Sowers, a long-time Roanoke resident, well-known architectural engineer, and member of the Planning Commission for sixteen years.

WHEREAS, the members of Council learned with sorrow of the passing of Mr. Sowers on Thursday, January 20, 2005;

WHEREAS, Mr. Sowers was a native of Willis, Virginia;

WHEREAS, Mr. Sowers graduated from Willis High School in 1940 and attended Roanoke College;

WHEREAS, Mr. Sowers graduated from Virginia Polytechnic Institute and State University in 1946 with a B.S. in civil engineering and a B.S. in architectural engineering;

WHEREAS, Mr. Sowers served his country in the United States military during World War II;

WHEREAS, Mr. Sowers moved to Roanoke in 1948 and began his career as an engineer;

WHEREAS, over his 50-year career, Mr. Sowers designed engineering features for building projects throughout the City of Roanoke, including the Roanoke Civic Center, Roanoke Memorial Hospital, and projects in many other cities;

WHEREAS, Mr. Sowers was a member of the Roanoke Planning Commission for 16 years, from 1977 until 1992, serving as chair for four years;

WHEREAS, Mr. Sowers was very active on the American Consulting Engineering Council and served as national secretary-treasurer and national president;

WHEREAS, Mr. Sowers served on the Roanoke Chamber of Commerce Board of Directors and was a long-time member of the Roanoke Kiwanis Club;

WHEREAS, after undergoing chemotherapy for his cancer, Mr. Sowers was a regular volunteer at the Carilion Cancer Center of Western Virginia for five years;

WHEREAS, Mr. Sowers was a member of Saint John Lutheran Church.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of William Armand Sowers, and extends to his family its sincerest condolences.

2. The City Clerk is directed to forward an attested copy of this resolution to Mr. Sowers' widow, Gale Johnson Sowers, of Roanoke, Virginia.

ATTEST:

City Clerk

Office of the Mayor

CITY OF  ROANOKE

Proclamation

WHEREAS, libraries enable individuals to make informed decisions about their self-governance by promoting unrestricted access to information and by serving as community centers for lifelong learning; and

WHEREAS, in a world undergoing constant change, libraries provide enduring connections to the past and future of our communities, nations, and civilizations; and

WHEREAS, the expansion of electronic networks linking libraries and their resources makes possible better and more easily accessible information for library users around the world; and

WHEREAS, libraries provide entry to important research about health, economics, housing, the environment and countless other areas to support better living conditions and to help people lead longer, more productive and fulfilling lives; and

WHEREAS, libraries support a competitive workforce with basic literacy programs, computers and other resources to help children and adults learn to find, evaluate and use information they need for their jobs, health, education and other needs; and

WHEREAS, many libraries offer pre-school storyhour and summer reading programs to encourage children to begin a habit of reading that will serve to benefit their personal and professional lives; and

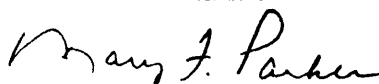
WHEREAS, last year, 123,180 library card holders and 328,228 people benefited from the services, programs and collections of Roanoke Public Libraries.

NOW, THEREFORE, I, C. Nelson Harris, Mayor of the City of Roanoke, Virginia, urge all citizens to visit Roanoke Public Libraries and "thank a librarian" for making this unique and wonderful institution possible and, do hereby proclaim February 2005, throughout this great All-America City, as

LOVE YOUR LIBRARY MONTH.

Given under our hands and the Seal of the City of Roanoke this seventh day of February in the year two thousand and five.

ATTEST:



Mary F. Parker
City Clerk





C. Nelson Harris
Mayor

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

December 6, 2004

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, December 6, 2004, at 9:00 a.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36193-010603 adopted by Council on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m., and pursuant to Resolution No 36762-070604 adopted by Council on Tuesday, July 6, 2004, which established the meeting schedule for the fiscal year commencing July 1, 2004 and ending June 30, 2005.

PRESENT: Council Members Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff (arrived late), M. Rupert Cutler, Alfred T. Dowe, Jr., and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, and to interview applicants for vacancies on the City Planning Commission, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Cutler, Dowe and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Wishneff was not present when the vote was recorded.)

At 9:05 a.m., the Mayor declared the meeting in recess for three interviews for vacancies on the City Planning Commission, to be held in the Council's Conference Room, Room 451, Noel C. Taylor Municipal Building.

At 10:35 a.m., the Council meeting reconvened in Room 159, Noel C. Taylor Municipal Building, with all Members of the Council in attendance.

ITEMS LISTED ON THE 2:00 P.M., COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION, AND ADDITIONS/DELETIONS TO THE 2:00 P.M., AGENDA: NONE.

TOPICS FOR DISCUSSION BY THE MAYOR AND MEMBERS OF COUNCIL: NONE.

BRIEFINGS:

SEWERS AND STORM DRAINS-CONSULTANTS REPORTS: Philip C. Schirmer, City Engineer, presented a briefing on storm water capital projects and the storm water utility feasibility progress report. He introduced Douglas Mosely and Elizabeth Treadway, representing AMEC Earth and Environmental, Inc., to present portions of the briefings.

The City Engineer advised that the Vision 2001-2020 Comprehensive Plan provides that the City of Roanoke will protect the environment and ensure quality air and water for the citizens of the region; special emphasis will be placed on the Roanoke River and its tributaries; and storm water management will be addressed on a regional as well as a local level.

Vision 2001-2020 actions include:

- Limit impervious surface to limit runoff.
- Plant natural vegetation, preferably indigenous native species, on land adjacent to the Roanoke River.
- Ensure integrity of storm and waste water systems.
- Protect and stabilize stream banks by controlling storm water flow and preventing discharge through vegetative buffers, bioengineering and other related methods.
- Protect the shorelines of the Roanoke River, enhance their scenic quality and protect water quality through a river quality conservation district and other appropriate tools.

Mr. Schirmer stated that the drainage problem in Roanoke deals with Roanoke's geography and its location within the watershed; surrounding watersheds draining through Roanoke are in excess of 500 square miles, or 320,000 acres of drainage that comes through from the tributaries of the Roanoke River; and the City of Roanoke consists of about 43.02 square miles, therefore, the watershed surrounding Roanoke is nearly ten times the geographical area of the City.

The following information was provided on major watersheds within the City of Roanoke and the percentage of the amount of watershed that lies within the jurisdictional boundaries of Roanoke, which indicates that most of the watersheds are outside of Roanoke's jurisdictional boundaries; therefore, storm water needs to be a regional approach in order to be effective.

Roanoke River – 10 per cent	Tinker Creek – 20 per cent
Peters Creek – 50 per cent	Garnand Branch – 85 per cent
Ore Branch – 60 per cent	Trout Run – 100 per cent
Lick Run – 95 per cent	Mudlick Creek – 30 per cent
Murray Run – 50 per cent	Glade Creek – 10 per cent
Murdock Creek – 95 per cent	Barnhardt Creek – 30 per cent

It was noted that the challenges facing Roanoke include periodic flooding downtown, flooding along rivers and streams, nuisance flooding of yards and streets, property damage, aging infrastructure, and inadequate capacity in many existing drains.

A document entitled, Storm Drain Capital Projects, totaling 147 projects listed in priority order, including \$57 million in identified projects ranging from \$5,000.00 to \$11 million, was reviewed.

Information was presented on the criteria for ranking projects; i.e.: health and safety issues, the number of people who will be affected by the project, the potential for damage from structure flooding or other flooding, projected costs, frequency of flooding, economic impact, size of the area, etc.

The City Engineer noted that approximately 64 projects are small scale projects, or less than \$100,000.00, 54 projects fall into the category of \$100,000.00 – \$500,000.00, and less than one fourth of the projects total \$500,000.00 – \$1 million. He explained that a big impact can be made by working on some of the smaller projects (\$100,000.00 projects), rather than the multi million dollar projects, and no one project in the City of Roanoke will solve all of the City's drainage problems because they are scattered City-wide.

Following a review of approximately 15 years of financial data for the City, Mr. Schirmer noted that storm drainage has been funded as follows: no annual General Fund allocation for storm drain capital projects, bond funding averages \$700,000.00 per year and CMERP funding averages \$50,000.00 per year, or a total of \$750,000.00 per year, which includes improvements to storm drainage in the Williamson Road area, Statesman Industrial Park and the Peters Creek Flood Reduction project.

The City Engineer advised that based upon historical averages of \$750,000.00 per year, it will take more than 70 years to meet currently identified storm drain capital project needs, while project demands grow each year; Roanoke's storm drain infrastructure is nearing its useful life and future needs are expected to increase; and water quality regulations will increase funding needs.

Douglas Mosely, representing AMEC Earth and Environmental, Inc., advised that:

- The City of Roanoke has studied storm water management issues and funding periodically since 1995.
- There has been a renewed City focus on storm water management in regard to storm water capital needs, infrastructure maintenance and replacement and water quality mandate; and program funding is the key element to service delivery.
- The City entered into a contract with AMEC Earth and Environmental, Inc., to complete a two phase storm water utility fee feasibility study, which will include a programmatic phase and a data development and analysis phase.
- The programmatic phase will determine the level and extent of storm water management services based upon community needs and capital improvement programming.
- The data development and analysis phase will evaluate data needed to determine an equitable allocation of the cost of service; and the study is designed to help the City reach a decision point concerning implementation of a storm water utility fee.

Elizabeth Treadway, also representing AMEC, Earth and Environmental, Inc., discussed the two phase approach and project schedule:

- The level and extent of service should meet community services needs and expectations, addressing infrastructure including CIP backlog and maintenance, meet unfunded regulatory requirements, enhance floodplain management and flood mitigation capabilities and riparian habitat protection and restoration.
- Data development and analysis will create a digital image of impervious features, determine the demand that impervious features place on the storm water management system, establish a potential billing unit for storm water utility, examine potential billing policies and investigate possible billing mechanisms.
- Project timeline for December – January:

Service level meetings will include establishing the program vision, defining level and extent of service, quantifying capital improvement programming needs and estimating potential cost of service.

Finance policy meetings will address who should pay, what is the cost of storm water service, what are the billing options/mechanisms, what should the utility rate base be (estimated), and what credits should be considered.

Council briefings will include presenting findings from staff workshops/discussions, a discussion on data/billing unit findings, and Council will be advised of key decision points.

Data tasks include analyzing existing data, developing impervious layer and calculating billing units.

The final report will include a compilation of findings, presentation of options and a final Council briefing on decision points.

- Other Virginia localities that have implemented a storm water fee include Norfolk, Virginia Beach, Portsmouth, Newport News, Hampton, Chesapeake and Prince William County.
- The final report will be completed in February 2005 and will include: development of a programmatic vision for storm water management with specific focus on drainage CIP buy-down, and highlight current and future challenges; and geographic and billing system data will determine the appropriate cost allocation strategy, recommended rate and billing structure and revenue generation potential.

Discussion by Council:

- The program should be integrated with other City projects/programs, such as flood reduction, greenways, parks, riparian rights, commercial development, potential role of the Western Virginia Water Authority, opportunities for low impact development, rain gardens, daylight streams and permeable pavement to improve quality as well as quantity.
- Capital construction/long term maintenance costs should be minimized through actions that are more environmentally appropriate by acquiring and opening drainage areas; i.e.: flood plains, flood ways, etc.
- In those localities where storm water management fees have been enacted, are citizens more positive when they see the obvious benefits? Ms. Treadway responded that the shift of funding into a dedicated resource for which there is a stable and predictable outcome provides staff and Council with the opportunity for low impact development, rain gardens, daylight streams and permeable pavement, etc.; it enables the storm water program to be placed on sound ground, financially; the kinds of service that the community values can be delivered without competing against other important City priorities; and the long term outcome over the period of a generation is the kind of change that takes place and will consistently take place while meeting community expectations.
- Is there a linkage with Roanoke County in terms of plans, funding and consultancy? The City Manager responded that when a staff committee was appointed to work with the consultant on storm water management issues, representatives from neighboring jurisdictions were invited to participate on a regional level from the outset; however, those jurisdictions took a “wait and see” approach, while acknowledging the need for storm water management in the community, and if the City is successful in its approach and implementation of a storm water management fee, other localities may participate later. She called attention to those communities that were required to address storm water management much sooner than the City of Roanoke; and while there is some immediate improvement to specific neighborhoods, the real benefit comes through a regional network and a regional solution. She stated that as the City of Roanoke continues to process its own project, the City Engineer and others continue to meet with their counterparts with the hope that if those jurisdictions do not join the City of Roanoke at this time, they will replicate the process in the future leading to a long term regional solution.

- Attention was called to a location on Cove Road, Wellesley Avenue and Abbott Street, N. W., that is prone to storm water build up, and it was suggested that the area be investigated for possible inclusion in the list of storm drain projects.
- Do engineering plans exist outside of the City of Roanoke that would help to alleviate storm water problems? Would it be advantageous for City representatives to meet with officials from those jurisdictions that have flood water that flows into the City of Roanoke?
- There is an opportunity for partnerships with private entities, such as land trusts, to address conservation easements on watersheds and along streams on the watersheds to slow down flood water; and the City has provided grants to the Western Virginia Land Trust, which is headquartered in Roanoke, to educate persons in the Catawba Valley since Catawba Creek, as well as Tinker Creek, supplement the natural flow into the Carvins Cove Reservoir.

(Council Member McDaniel left the meeting.)

HOUSING/AUTHORITY: The "C2C (Cradle to Cradle) Home" is an international home design and construction competition which is conducted by the Council of Community Services through Smith-Lewis Architecture; the purpose of design competition is to design and create affordable and other housing that is energy efficient, based on sustainable and reusable materials and relies on innovative manufacturing techniques and technology; and the City of Roanoke will reimburse the Council of Community Services up to \$100,000.00 for planning activity and land acquisition costs related to the design competition and the City intends to use Community Development Block Grant funds currently designated for the "Multi-Unit Affordable Rental Housing Project" which will be replaced at a later date.

Greg Lewis, representing Smith-Lewis Architecture, Manager of the Cradle to Cradle competition advised that:

- Registration for the competition closed on November 1, 2004, and more than 1,125 registrations were received from more than 40 countries throughout the world.
- The objective of the competition is to encourage the academic community, nationally, to look at issues of affordable housing as it relates to sustainable design and development.

- As a result of the City's efforts, 81 universities throughout the world are now actively looking at designing affordable, sustainable and architecturally appropriate infill housing for the City of Roanoke.
- The Cradle to Cradle competition is a unique opportunity for Roanoke because university teams representing thousands of professional designers from across the United States and abroad, both current and future, are looking at the City of Roanoke and Roanoke's housing issues which are no different from those of other cities throughout the United States and abroad.
- Competition is intended to address the design/build concept and it is hoped that designs will be appropriate in a variety of ways to the extent that a large number of housing designs can be constructed. The goal is to construct at least 30 houses.
- The deadline for housing designs is December 15, 2004, at 5:00 p.m.
- All entries will be photo copied and electronically forwarded to jurors which will allow them to make initial recommendations from the total pool of entries; and jurors will submit their top 50 choices from the total pool of approximately 250 submissions that will be on display at the Art Museum of Western Virginia in January 2005.
- The jury will convene in Roanoke on January 12-13, 2005, at which time they will vote on final designs.
- A workshop is tentatively scheduled for February 2005 with building science professionals throughout the country to develop construction documents.
- Approximately \$250,000.00 in building materials will be donated or pledged for the project.
- There is significant interest by the Roanoke Valley Homebuilders Association and other non-profit groups in constructing some of the houses.
- A design internship will be provided for students from universities whose designs are selected to enable them to visit Roanoke and to work on construction of the house(s). This is similar to a modern day "barn raising" where the community not only plays host, but various organizations and citizens rally

around the project in a community-building spirit by bringing people together who ordinarily would not work together on a regular basis, but share a common interest.

- A number of entries will be submitted by designers who are more interested in developing a theory than a house that will actually be constructed.
- The charge is to use the most appropriate designs and to construct houses for the citizens of Roanoke.

Discussion by Council:

- How can the City of Roanoke be of assistance in hosting the jury that will come to Roanoke to judge the competition in January 2005? Mr. Lewis responded that the Art Museum of Western Virginia has offered to support the jury activity and to host an opening reception for the exhibit; and each person who registered in the competition will be invited to visit Roanoke in February, 2005 to participate in discussions with regard to turning design concepts into houses.
- What type of communication should be shared with the affected neighborhoods? Mr. Lewis responded that he will meet with as many of the neighborhood associations as possible to provide information about the program.
- Could Habitat for Humanity in the Roanoke Valley construct one or more of the houses? Mr. Lewis responded that there has been a verbal commitment by Habitat for Humanity to construct one of the houses from the competition.
- In response to a question regarding the availability of land for the project, the City Manager advised that certain City owned lots and Roanoke Redevelopment and Housing Authority lots will be offered for the project; several large land owners in the City have indicated an interest in participating after reviewing the winning designs and the City has made Community Development Block Grant funds available to the project in order to purchase certain lots that are believed to be appropriate. She stated that all construction activity should not occur in currently low and moderate income neighborhoods since one of the goals of the housing strategic planning process is to diversify neighborhoods and to have less concentration of certain housing income categories than the City currently has.

The Mayor expressed appreciation to Mr. Lewis for his involvement in the Cradle to Cradle project and encouraged the exploration of other avenues that could potentially provide long term benefits to the City as a result of the international housing design competition, such as creation of a center composed of non profit agencies, Federal, State and other institutions, etc. He stated that it is hoped that the citizens of Roanoke will have an appreciation for what the Cradle to Cradle competition will mean for the community in terms of bringing to Roanoke the leading representatives of architectural design from throughout the United States and abroad.

CITY COUNCIL-SCHOOLS: The Council convened in a joint session with the Roanoke City School Board at 12:00 p.m., in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris and School Board Chair Kathy G. Stockburger presiding, for the purpose of presenting the City of Roanoke 2005 Legislative Program to the City's representatives to the General Assembly.

CITY COUNCIL MEMBERS PRESENT: Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea and Mayor C. Nelson Harris-----6.

ABSENT: Council Member Brenda L. McDaniel-----1.

SCHOOL TRUSTEES PRESENT: William H. Lindsey, Alvin L. Nash, David B. Trinkle and Kathy G. Stockburger, Chair-----4.

ABSENT: Gloria P. Manns, Courtney A. Penn and Robert J. Sparrow-----3.

OFFICERS PRESENT: Representing the City of Roanoke: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

Representing the Roanoke City Public Schools: Doris N. Ennis, Acting Superintendent; Cindy H. Lee, Clerk to the Board; and Richard L. Kelley, Assistant Superintendent for Operations.

Also present were Delegate Onzlee Ware and Delegate William Fralin.

Chair Stockburger expressed appreciation for the opportunity to meet with Council and the City's representatives to the Virginia General Assembly. She advised that the School Board plans to maximize its use of available State funding, and extended an invitation to Council Members and to area legislators to attend School Board meetings and to visit Roanoke's public schools.

Mayor Harris extended condolences to Mr. and Mrs. Hugh Ennis upon the loss of their son, Hugh, Jr. He expressed appreciation to Mr. Kelley who will retire from Roanoke City Public Schools on December 31, 2004, for his many years of service to the school system. He welcomed Delegates Ware and Fralin and presented each with a coaster engraved with the City's new branding logo.

He advised that he, the City Manager, and the Acting Superintendent of Schools continue to hold positive and constructive monthly meetings to address matters of mutual interest and concern to Roanoke's school population.

Presentation of the City/Schools 2005 Legislative Program.

Vice-Mayor Fitzpatrick, Chair, Legislative Committee, expressed appreciation to Delegates Fralin and Ware for their presence, and to Messrs. Penn and Lindsay, the School Board's representatives to the Legislative Committee. He stated that the 2005 Legislative Program has been prioritized in order of importance; whereupon, he called upon Mr. Kelley to present the School's 2005 Legislative Program.

Mr. Kelley advised that State biennium funding for education increased by approximately \$1.5 billion, Roanoke City School's share was \$11.2 million; and the increase was the result of the State recognizing certain additional costs associated with meeting the Standards of Quality that were recommended by the Department of Education and by the JLARC Study, all of which resulted in a significant amount of additional money and additional positions for Roanoke City Public Schools. In terms of the \$11.2 million, he stated that for fiscal year 2004-2005, the increase was approximately \$9.3 million, and is estimated at approximately \$1.8 million for next year; and over the past five years, this represents a significant change in the State revenue articulation which was previously \$3 million and has declined over the past decade to less than \$200,000.00.

Mr. Kelley explained how Roanoke City Public Schools has used the additional \$9.3 million in State funding, which has enabled the Schools to meet priorities and to enact a number of programs and salary enhancements that were previously deferred. He stated that the School Board provided an average teacher salary raise of five per cent; four guidance positions were added at the middle school level and four nursing positions; the high school seven period day was implemented which is a \$1 million plus initiative; six technology technician positions were added; the number of preschool classes for four year old students were increased from 11 to 22; two assistant principals were added, one at the middle school level and one at the elementary school level; five additional instructional personnel were added; and debt service was increased by \$700,000.00 in the current year's budget which will help to achieve the objective of completing the two high school projects by 2010.

He reported that the legislative priorities include the maintenance and enhancement of State funding for Standards of Quality in order to continue progress that has been made to date and to provide additional funding for the State's share of the Standards of Quality; and to continue the joint partnership with the State to improve low performing schools and to restore the fiscal integrity of the State Literary Loan Fund in order to make timely reimbursement for school construction funds. He stated that the School Board is requesting the funding of key positions as recommended by the State Department of Education, which is particularly important for positions required for remediation as

recommended by the State Board of Education; it is hoped that the State will not offset the basic aid formula, sales tax increase, to offset its share of the cost of meeting the Standards of Quality, and the sales tax increase for public education this year amounted to approximately a \$2 million increase for Roanoke City Schools. He added that in order to maintain the School's VRS rate, which is currently 6.1 per cent, the General Assembly adopted legislation which would separate the teacher rate from the State employee rate, resulting in an increase of approximately .6 per cent for the first year. He stated that elimination of the Federal deduction for the Standards of Quality computation would provide about \$730,000.00 more in basic aid funds to Roanoke City Public Schools; and the School Board is asking that the State implement a mechanism to ensure full funding of the car tax reimbursement to the City in 2005-2006.

Mr. Kelley advised that Priority Two requests involve the State program of providing assistance to low performing schools; presently the State administers a program that involves joint grant and academic review teams whereby funds are provided to assist low performing schools with special one time grants and academic review teams that look at academic progress and programs; and the School Board is asking that the State not mandate the take over of low performing schools, but continue the joint partnership. He explained that there is a provision under the Federal No Child Left Behind program that would allow states to have the option of taking over low performing schools; there is an option in the No Child Left Behind legislation that allows the State to substitute its accreditation standards and programs of improvement for Federal standards, which is known as Annual Yearly Progress, and the School Board is asking the State to work with the Federal Government to substitute State standards of accreditation for Federal Annual Yearly Progress standards and to use the State's plan as the substitute for the Federal requirement which would eliminate the confusion over who is accredited. He pointed out that Virginia's program is well above many other states and is recognized as one of the most difficult accreditation standard programs in the United States.

Mr. Kelley advised that Priority Three requests address the State Literary Loan Funds, and during the next two bienniums the School Board hopes to restore the fiscal integrity of the State Literary Fund Loan; for the current biennium, the State transferred approximately \$268 million from the State Literary Fund Loan to finance teacher retirement costs, which has been a recurring problem with the Literary Fund Loan situation, and the potential long term objective of the fund will provide 55 per cent of financing of school construction needs. He explained that under the present Literary Fund Loan fiscal status, when a project is started, it takes a minimum of 18 months before funds are received from the State to reimburse construction costs.

Mr. Kelley further added that the School Board is requesting approval of legislation that would assist in meeting school priorities, which would help the School Board to meet its objectives in terms of accountability for improving student performance based on Standards of Learning tests, ensuring that all schools meet the State accreditation standards, reducing drop out rates and

increasing graduation rates, raising employee salaries from an average increase of two to three per cent to an increase of five per cent annually based on additional State funds received this year, and provide construction loans to modernize or replace school facilities so that by the year 2010 the current capital plan to modernize, renovate or replace all elementary schools, replace the two high school facilities, and renovate the four middle schools will be completed.

(See Roanoke City Public Schools Legislative Program--FY 2004-2006 Biennium on file in the City Clerk's Office.)

Thomas A. Dick, City of Roanoke Legislative Liaison, presented the City of Roanoke's 2005 Legislative Program. He expressed appreciation to area legislators for their efforts on behalf of the citizens of Roanoke with regard to the methadone clinic legislation, the deer management program and increased State funding. He advised that Council adopted the 2005 Legislative Program at its meeting on Monday, November 15, 2004, which incorporated the School Board's legislative agenda; last year, as a part of the budget agreement, the Virginia General Assembly changed the car tax phase out program, therefore, the City requests an amendment to the Commonwealth of Virginia's 2004-2006 budget that would fully fund local reimbursements for the Personal Property Tax Relief Act program in fiscal year 2006 that will enable localities that bill in the Spring, as does the City of Roanoke, to receive the revenue in the same fiscal year billed, which is how revenue has been collected historically; and if additional funding is not provided, the legislature should provide the maximum flexibility possible to localities to address the budgetary, accounting and policy issues associated with the budget shortfall.

He advised that the City requests an amendment to the Commonwealth's 2004-2006 budget to allow the City's Health Department to consolidate and to relocate its operations to the new Human Services Building on Williamson Road; and the City will pay its share and requests that the State provide \$187,958.00 in each year of the budget for its portion of the rent.

Mr. Dick added that the City requests legislation to reinstate the sales tax exemption for its public transit system that the 2004 General Assembly inadvertently eliminated along with several other sales tax exemptions; the elimination of the exemption will cost the City approximately \$50,000.00 annually; and the public transit systems in Richmond, Lynchburg and Alexandria are also affected. He stated that the urban blight issue facing cities involves public safety; there are approximately 250 vacant derelict properties in the City of Roanoke, which generate numerous citizen complaints; in the past six months, the City has boarded up 13 properties and the City is required to take numerous steps before action can be taken except in extreme circumstances. Therefore, he advised that the City requests legislation to amend Section 15.2-906, Code of Virginia, to reduce the amount of time in which a locality can remove, repair or secure any building, wall or other structure which might endanger the public health or safety, and asks that the current 30 day period be reduced to 15 days which will benefit the City's neighborhoods.

Mr. Dick advised that the City of Roanoke has two historic districts; despite the fact that the City contacts all historic district property owners annually with regard to the required review process, property owners continue to authorize work that in some instances must be done over, therefore, the City requests legislation to amend Section 36-99, Code of Virginia, to authorize localities to require building permits for the installation of replacement siding, roofing and windows in buildings within historic districts, which will benefit the City's historic neighborhoods.

He stated that the City of Roanoke is a member of the Virginia First Cities Coalition, which is a group of 15 of the State's older cities; the City of Roanoke supports the broad legislative objectives of the Coalition; First Cities believes that the General Assembly should act to allow the State to meet its funding and personal property taxes; the State should realign its policies and funding formulas to reduce disproportionate economic, fiscal and demographic stresses and disparities on Virginia's fiscally stressed cities; and the State should actively promote conditions to encourage the economic health of cities through employment, neighborhood redevelopment and revitalization of commercial areas. He advised that the City of Roanoke supports the First Cities efforts to:

- Fully restore the Federal funds deduction in the education funding formula; increase funding to assist those students most likely to fail the SOL's; and fully fund the current Standards of Quality.
- Opposes measures that would erode the revenue generating capability of the tax measures passed in 2004.
- Supports measures which raise statewide non general fund taxes and fees to adequately maintain and expand the transportation network.

(See City of Roanoke 2005 Legislative Program on file in the City Clerk's Office.)

Vice-Mayor Fitzpatrick expressed appreciation for the work of the City's representatives to the General Assembly and acknowledged that there is little available money; and while there are those persons who advocate giving back some of the revenue generated last year, it is hoped that every consideration will be given to the City of Roanoke in addressing State mandates which have become more onerous. He stated that City representatives and the City's Legislative Liaison stand ready to come to Richmond when necessary and expressed appreciation for the willingness of area legislators to listen to the concerns and wishes of Roanoke's citizens.

Council Member Cutler expressed appreciation for the work of the City's representatives to the General Assembly. With regard to Senator John Edwards' initiative on the Rail Authority, he expressed a desire to proceed further; he spoke in favor of the Virginia Department of Transportation's Environmental Impact Study of I-81 alternatives to include attention to the rail alternative;

Norfolk Southern has recently indicated more flexibility with respect to public participation in the Heartland Corridor, because public support will be needed to enlarge the tunnels in West Virginia, and the reciprocity might include Norfolk Southern's interest in improving the trackage paralleling I-81, as well as the terminal in Roanoke; the City of Roanoke continues to be concerned about the widening of Interstate 81 and tolls, and requested that more attention be given to rail, both from a freight and a passenger standpoint.

Mr. Wishneff stated that a trend across the country is the recognition by governors and general assemblies of the importance of arts and culture in economic development; the City is dependent on the arts and culture to drive the market; and requested that the City be advised of any statewide efforts in which the City could participate as a demonstration of support.

Vice-Mayor Fitzpatrick stated that there is a conflict between State agencies versus non-state agencies; an effort is being made to bring the appropriate entities together to recommend a plan before approaching the legislature; and if this kind of regional cooperation is achieved, it will be necessary for localities to address funding at the local level, and what kind of mechanism could be put in place at the State level that would allow the City to receive information showing those localities that help themselves and benefit from some form of State funding.

Ms. Stockburger called attention to the diversity of the student population in Roanoke's schools and stressed the importance of funding for alternative education programs. She stated that students participating in the alternative education programs have a much greater graduation success rate than if they were placed back in the regular school setting; sufficient options are needed for each student because there is a large span of student needs and talents, all of which need to be addressed, including funding for the Roanoke Valley Governor's School for Science and Technology.

Ms. Ennis encouraged the return of control of accountability to State and local authorities in the No Child Left Behind program; School Superintendents are concerned about the Annual Yearly Progress (AYP) component of the No Child Left Behind program, and members of the School's executive staff offer their services to meet with area legislators to point out negative impacts on public education; and the Commonwealth of Virginia is a forerunner in the Standards of Quality, therefore, historical data will show the progress that has been made without the AYP component.

Delegate Ware stated that he and Delegate Fralin have a close working relationship at the General Assembly, they understand that their districts overlap, and they are aware of and understand the concerns regarding education issues relative to funding and standards. He advised that he frequently confers with the City Manager on various issues; there appears to be some additional money available though the State for certain things such as transportation;

area legislators work as a team and have the assistance of the City's Legislative Liaison who keeps them informed about issues of importance. He expressed appreciation for the open lines of communication between area legislators and local officials.

Delegate Fralin stated that it has been an honor to serve the citizens of Roanoke. He expressed appreciation for the input he has received from local officials, and advised that he works closely with Delegate Ware to protect the City's best interests. He commended Mr. Dick for his efforts to keep area legislators informed of current issues and stressed the importance of hearing from local officials in a timely manner concerning issues of concern. He stated that he was pleased to be able to help secure additional school funding; accountability in school standards is important; as a result of discussions with the Governor and leadership of the House of Delegates there could be a solution to the Spring collection of the car tax; transportation will be an issue during the 2005 Session of the legislature and he looks forward to working with other members of the General Assembly to find ways to fund transportation needs. He stated that he is interested in helping to attract low cost air carriers to regional airports; and the Heartland Corridor is important for the Roanoke Valley because it will open an east/west corridor for rail that has not been available for some time. He called attention to certain amendments which were addressed last year regarding school safety and referred to the importance of cultural institutions working together toward a State funding mechanism.

There being no further business, Chair Stockburger declared the meeting of the Roanoke City School Board adjourned at 1:20 p.m.

Following a brief recess, Council reconvened in Room 159, Noel C. Taylor Municipal Building.

COMMUNICATIONS DEPARTMENT: The City Manager advised that the City of Roanoke has received national accreditation for its public safety activities, i.e.: Fire Department, Police Department, and Sheriff's Office; and the City's E-911 Center and staff have also expressed an interest in moving toward national accreditation.

John Elie, Director of Technology, advised that:

- The E-911 Center is responsible for dispatching Police, Fire, and EMS staff throughout the City of Roanoke in response to citizen safety issues; and the Center operates 24 hours a day, 365 days a year and responds to 911 calls originating from the City of Roanoke.
- Telephone calls to the City's 853-2000 telephone number after normal business hours are routed to the E-911 Center which includes calls to Parks and Recreation, the Child Abuse Hotline, the Information Desk, and Public Works.

- The E-911 Center, a division of the Department of Technology, has 41 employees that staff three eight hour shifts; staff includes a Superintendent, a Communications Coordinator, System Administrator, five supervisors, and 33 dispatchers; and typically five to six dispatchers are on duty per shift with a supervisor.
- Dispatcher skill requirements include: certification in CPR (Cardio Pulmonary Resuscitation), certification in Emergency Medical Dispatch, certification to use the Virginia Criminal Information Network, completion of a basic dispatch academy class, and dispatchers must be cleared to work Police and Fire/EMS stations.
- Dispatchers must meet ongoing educational requirements in order to maintain their certifications.
- In 2003, the E-911 Center processed 147,426 calls for Police and 21,370 calls for Fire/EMS; as of December 2004, the E-911 Center had processed 137,245 calls for Police and 20,329 calls for Fire/EMS; and after hour non-emergency calls account for an additional 115,000 calls per year.
- E-911 staff offer scheduled tours of the Communications Center and attend neighborhood meetings to educate citizens on 911 services; and the 911 Center is proud of its high citizen approval ratings. (95 per cent on 2003 citizen survey).
- The objective of the National Accreditation program is to obtain national accreditation for the E-911 Center by participating in a two-year assessment program conducted by the Commission on Law Enforcement Agencies (CALEA).
- As a part of Roanoke's E-911 Center to provide outstanding communication services to citizens, accreditation will ensure that the 911 Center benefits from industry "best practices" and peer reviews.
- Requirements for accreditation include internal staff time and an accreditation coordinator, on site assessments by CALEA staff, participating in CALEA conferences, \$9,000.00 for the initial cost and \$2,700.00 annual re-certification cost, and the City will apply for a \$3,500.00 grant from CALEA to defray costs.
- Council will be requested to adopt a resolution supporting accreditation and re-certification at its meeting on Monday, December 20, 2004.

- The grant application must be submitted to CALEA by December 31, 2004, announcement of grant approval by CALEA will occur in April, 2005, and completion of the accreditation process will take place in the time frame of July to December 2006.
- The City of Roanoke could become the first locality in Virginia to be accredited across all public safety efforts: Police, Fire, EMS, and Sheriff.
- Staff has researched accreditation requirements with CALEA, attended a CALEA conference in July 2004, held discussions with representatives of the City of Virginia Beach regarding its accreditation process, visited the 911 Center in Columbia, South Carolina, obtained letters of support from Police and Fire/EMS departments, and prepared a grant application for approval by Council.

ZONING: Nancy Snodgrass, Zoning Administrator, reviewed the preliminary schedule with regard to final steps for the Zoning Ordinance process/update. She advised that:

- A final meeting of the Zoning Ordinance Steering Committee was held on November 3, 2004.
- Staff preparation of the Steering Committee draft ordinance started on November 4, 2004, and continues to date.
- Individual review by Steering Committee members of the draft ordinance will take place on December 9 - 14, 2004.
- The draft ordinance will be transmitted from the Steering Committee Co-chairs to the City Planning Commission on December 6, 2004.
- The pre-public hearing phase will take place from December 16, 2004 to March 1, 2005, with the draft ordinance submitted by the Steering Committee to be made available for public review, including online posting (strike/highlight version will readily identify changes from the public discussion draft); staff will continue to work on the proposed zoning map which is anticipated for release for public review by mid-January, 2005; and establishment of the process and dates for public hearing and property owner notification.

- The public hearing/adoption process will take place in March - May 2005, with a joint public hearing by Council and the City Planning Commission in March 2005, and adoption of the process will include City Planning Commission consideration in April 2005 and Council consideration in May, 2005.

At 1:50 p.m., the Mayor declared the Council meeting in recess to be reconvened at 2:00 p.m., in the Council Chamber.

At 2:00 p.m., on Monday, December 6, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGMENTS:

DECEASED PERSONS: Council Member Dowe offered the following resolution memorializing the late Hugh Ennis, Jr.

(#36902-120604) A RESOLUTION memorializing the late Hugh Ennis, Jr., son of Doris N. Ennis, Acting Superintendent of Roanoke Public Schools.

(For full text of resolution, see Resolution Book No. 69, Page 193.)

Mr. Dowe moved the adoption of Resolution No. 36902-120604. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----7.

NAYS: None-----0.

The Mayor presented a ceremonial copy of the above referenced measure to Mr. and Mrs. Ennis.

ACTS OF ACKNOWLEDGEMENT-CITIZEN OF THE YEAR: Mr. Dowe offered the following resolution:

(#36903-120604) A RESOLUTION naming Claudia Alexander Whitworth as Roanoke's Citizen of the Year for the year 2004.

(For full text of resolution, see Resolution Book No. 69, Page 194.)

Mr. Dowe moved the adoption of Resolution No. 36903-120604. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----7.

NAYS: None-----0.

The Mayor presented a ceremonial copy of the above referenced resolution to Mrs. Whitworth.

ACTS OF ACKNOWLEDGEMENT: The Mayor advised that Shining Star Awards are presented to persons who go above and beyond the call of duty to be of service to their community. On behalf of the Members of Council, he stated that he was pleased to present Shining Star Awards to Shamica Steelman and Charles and Sarah Lex.

The Mayor advised that Ms. Shamica Steelman, without thinking about her personal safety, placed her life in danger so that she could save a four year old child from drowning at the Washington Park swimming pool on August 19, 2004.

The Mayor presented the second award to Charlie and Sarah Lex, who, for five years, volunteered their time working in the rose garden at Elmwood Park by pruning, fertilizing and seeding the rose bushes. He stated that their weekly and sometimes daily nurturing kept the roses around the Mayor's monument looking attractive for the park's many visitors.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately.

MINUTES: Minutes of the regular meeting of Council held on Monday, October 18, 2004, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----7.

NAYS: None-----0.

LEASES--COMMONWEALTH OF VIRGINIA BUILDING: A communication from the City Manager requesting that Council schedule a public hearing for Monday, December 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, to extend the current lease with the United States General Services Administration for office space within the Commonwealth Building, was before the body.

The City Manager advised that the United States General Services Administration (GSA) currently leases space within the Commonwealth Building; GSA uses the second floor of the building for the Federal Bankruptcy Court and affiliated offices; the current lease expired on October 31, 2004; the original agreement provides the GSA with an option to continue the agreement on a month-to-month basis (not to exceed an additional 90 day period), which the GSA is currently exercising; the GSA wishes to continue its lease of the second floor and to begin leasing an office suite on the first floor as well; and the GSA wishes to extend the current agreement to allow time to complete the necessary improvements to the first floor area before executing an overall new lease for space on the first and second floors.

It was further advised that the month-to-month option in the current agreement does not provide sufficient time to complete the above referenced improvements; therefore, an extension of the current lease agreement is proposed to run through December 31, 2004; and with the 90 day maximum option provision, this would give the space to the GSA under the current agreement until March 31, 2005, if necessary, pending completion of ongoing improvements on the first floor and finalization of a new lease agreement.

The City Manager recommended that Council hold a public hearing on Monday, December 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard.

Mr. Fitzpatrick moved that Council concur in the recommendation of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-YOUTH: A report of qualification of Earnestine Garrison as a member of the Youth Services Citizen Board, for a term ending May 31, 2006, was before Council.

Mr. Fitzpatrick moved that the report of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS:

EASEMENTS-SPECIAL PERMITS: Pursuant to action taken by the Council, the City Clerk having advertised a public hearing for Monday, December 6, 2004, at 2:00 p.m., or as soon thereafter as the matter may be heard, on a request for encroachment of an awning eight feet above the sidewalk and 39 inches into the public right-of-way at 105 Wall Street, S. E., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, November 26, 2004.

A communication from the City Manager advising that Jay Aneja, on behalf of Smither's Jewelers, Inc., has requested permission to install a new awning on the building at 23 Salem Avenue, S. E., which would encroach into the public right-of-way; City records indicate that the correct address is 23 Salem Avenue, S. E., however, there is an entrance to the building at 105 Wall Street, S. E., which is the location where the awning will be installed; and owners of the property, John Lawrence and Elizabeth Adams, do not object to installation of the awning.

It was further advised that the proposed awning would encroach approximately 39 inches into the right-of-way of Wall Street, S. E., and have eight feet of clearance above the sidewalk; the right-of-way of Wall Street at this location is approximately 60 feet in width; liability insurance and indemnification of the City of Roanoke by the applicant has been provided and the applicant has received approval by the Architectural Review Board to install the proposed awning.

The City Manager recommended that Council adopt an ordinance granting a revocable license to allow for installation of an awning at 105 Wall Street, S. E., and encroaching into the public right-of-way of Wall Street.

Mr. Cutler offered the following ordinance:

(#36904-120604) AN ORDINANCE granting a revocable license to permit the encroachment of an overhead awning at a height above the sidewalk of eight (8) feet, with the overhead awning extending thirty-nine (39) inches, in the public right-of-way of 105 Wall Street, S. E., from property bearing Official Tax No. 4010319, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 196.)

Mr. Cutler moved the adoption of Ordinance No. 36904-120604. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36904-120604 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----7.

NAYS: None-----0.

BONDS/BOND ISSUES-SCHOOLS: Pursuant to action taken by the Council, on Monday, the City Clerk having advertised a public hearing for Monday, December 6, 2004, at 2:00 p.m., or as soon thereafter as the matter may be heard, on a request of the Roanoke City School Board for approval of the issuance of general obligation bonds, in an amount not to exceed \$1,600,000.00, for financing a portion of the cost to rehabilitate, repair or equip Fallon Park Elementary School, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, November 19, 2004, and Friday, November 26, 2004.

A communication from the Clerk to the Roanoke City School Board advising that the School Board at a special meeting on November 11, 2004, approved a resolution requesting that Council issue General Obligation Qualified Zone Academy Bonds (QZAB), in an aggregate principal amount not to exceed \$1,600,000.00, to be used to rehabilitate, repair, and/or equip Fallon Park Elementary School.

It was further advised that the QZAB initiative is a Federal program that allows lending institutions and schools to form a mutually beneficial partnership to support education; the program offers bonds interest-free and allows a bank or other lending institution to purchase the special no-interest bond on behalf of a school; and schools qualify based on their percentage of free lunch students.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

The Mayor advised that Council would be requested to take action on the request at a later date.

There were no comments or discussion by Council Members.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: See pages 471 and 475.

POLICE DEPARTMENT-BUDGET-CITY SHERIFF: The City Manager presented a communication advising that the City of Roanoke's ability to retain sworn police personnel has become a growing concern; this year, turnover of sworn police personnel totaled 12.8 per cent; as the largest and most comprehensive Police Department in the Roanoke Valley, it is important that Roanoke provide salaries for sworn police officers that will sufficiently attract and retain well-qualified staff; and Council has encouraged staff to look for solutions to the problem, therefore, the last several months have been devoted to evaluating various options.

It was further advised that during 2004, of the total terminations that were not retirements or deaths, seven out of 18 police officers left for other public safety employment in the area; while a reasonable amount of turnover can be expected, when police officers are leaving the City of Roanoke to work for other law enforcement agencies in the area, it becomes a more serious issue; the average service for these officers was six years, which indicates that the City is losing well-trained, seasoned officers to agencies that will not have to incur the cost and time related to training; and Police Department statistics indicate that longer-term police officers have less accidents and complaints, thus providing for increased overall citizen satisfaction.

It was explained that during the past several months, City staff has evaluated data in great detail; upon analyzing salary market data, a number of variables became apparent: first, Roanoke starting salaries, while competitive, are actually a little lower than a number of the jurisdictions in the area, as well as some of the larger jurisdictions in the Virginia First Cities group; and second and

most important is the fact that almost all jurisdictions have some type of automatic promotion/job reclassification once the officer completes the police academy or completes the probationary period, resulting in an additional pay adjustment and movement to a higher pay range.

The City Manager advised that in 1999, as part of the budget process, Council authorized a Career Enhancement Program as a way to reward officers for attaining job specific skills; while it is an excellent program, it was intended to compensate for skills that usually take longer than three years to attain; therefore, the program does not address retention of police officers during the first part of their career; in July 2003, Council approved the Community Policing Specialist Program which provides pay incentives designed to promote the concept of community policing throughout the department; however, by itself, the program is not sufficient to retain police officers; and staff will continue to look for ways to expand incentives for police officers in order to improve service levels through higher rewards.

It was further advised that in order to address the retention issue, the City administration has determined that a new classification will be created; upon successful completion of the initial probationary period as a police officer at Pay Grade 11 (approximately 18 months), the employee would be reclassified to a Police Officer II and raised to the minimum of Pay Grade 12 (\$33,452.12-\$50,178.18); with addition of the new job classification, the City of Roanoke will be more in line with salary practices of competitors in the marketplace; and all other sworn employees, with the exception of the Police Chief, will be given a pay increase of four per cent in order to mitigate salary compression.

The City Manager explained that the pay actions are planned for implementation in January 2005; salary lapse funds in the Police Department are sufficient to cover the cost of this such action for the balance of the current fiscal year; the cost of a full year's implementation (\$475,000.00) will be the top item in next year's budget process; and no Council action is required to implement the changes.

A communication from the Honorable George M. McMillan, Sheriff, advising that although the action proposed by the City Manager is necessary to correct one of the problems of law enforcement in the City of Roanoke, it should be pointed out that the proposal solves only one-half of the problem and does not include sworn law enforcement officers of the Sheriff's Office, who have always been treated with the same respect as police officers, who face the same basic problems and dangers of law enforcement officers in the City of Roanoke; the City Manager's letter accurately describes the situation that also exists in the Sheriff's Office; and the Sheriff's Office has experienced approximately a 10 per cent turnover rate compared to the Police Department's 12.8 per cent.

He further advised that if the City Manager proceeds with implementing the reclassification of police officers and increasing the pay of all currently sworn officers in the Police Department and excluding sworn deputy sheriffs, it says, in effect, that police officers are more important than deputy sheriffs which will

create an atmosphere of dislike between the two agencies in a time when cooperation between the two agencies is at an all time high and create other problems; while deputy sheriffs may not be in the public eye as much as police officers, their role in the safety of the community is no less vital; the Sheriff's Office handles booking for the Police Department to ensure that police officers may return to the street as quickly as possible; the Sheriff's Office assumed the responsibility from the Police Department for serving approximately 45,000 criminal subpoenas per year allowing police officers to address other duties; the Sheriff's Office provides DARE services in the elementary schools; at the request of the Chief of Police, the Sheriff's Office recently assisted the Police Department with guarding a dangerous criminal in the hospital who was shot during an arrest attempt; therefore, the level of cooperation between the two law enforcement agencies is an important aspect to effective and efficient law enforcement services within the City of Roanoke.

The Sheriff proposed that the City Manager include deputy sheriffs in the reclassification, effective January 1, 2005; however, if sworn deputy sheriffs are not included in the initiative, he proposed that Council implement the same reclassification for deputy sheriffs and provide the same pay increase for current deputy sheriffs, effective July 1, 2005.

Sheriff McMillan explained that the cost to include Deputy Sheriffs in the reclassification plan for the remainder of the fiscal year is approximately \$149,822.00; however, the cost is offset by the fact that the Compensation Board provided all deputy sheriffs in the Sheriff's Office with a 4.82 per cent pay increase, effective December 1, 2004 on Compensation Board approved salaries which means that no or few additional City funds will be necessary to include deputy sheriffs in the reclassification plan and provide for a four per cent pay increase.

Mayor Harris and Council Members Wishneff, Lea and Dowe commended the City Manager on the proposed initiative.

Following discussion the Mayor advised that without objection by Council, the request of the Sheriff would be referred to the City Manager and to fiscal year 2005-2006 budget study.

ITEMS RECOMMENDED FOR ACTION:

FEE COMPENDIUM: The City Manager submitted a communication advising that on April 1, 2002, Council adopted Ordinance No. 35792-040102 to provide for an outdoor dining permit program and amended the Fee Compendium; the annual fee of \$3.25 per square foot of area approved for outdoor dining has been set annually by Council; and total program revenues from 13 participating restaurants in 2004 are \$6,066.50, (includes the \$75.00 application fee from each restaurant).

In a further effort to provide an incentive for restaurants to apply for outdoor dining permits, the City Manager recommended that the reduced fee of \$3.25 per square foot be continued for calendar year 2005, as well as for all future years; if the application is unaltered from the immediately preceding year (using the same amount of space at the same location with the same furniture and materials), it is recommended that the \$75.00 application fee be waived; upon approval of the revised fee structure, the Fee Compendium will be updated; and City Staff will continue to review all applications and insurance requirements on an annual basis.

Mr. Dowe offered the following ordinance:

(#36905-120604) AN ORDINANCE directing amendment of the Fee Compendium to establish the application and square footage fee for outdoor dining permits; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 198.)

Mr. Dowe moved the adoption of Ordinance No. 36905-120604. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-FIRE DEPARTMENT-SCHOOLS: The City Manager submitted a communication advising that in January 2005, Roanoke Fire-EMS and the Roanoke Regional Fire-EMS Training Center will partner with Virginia Western Community College (VWCC) in an effort to enhance academic opportunities for Fire-EMS personnel; Virginia Western Community College will grant college level credits for certain qualifying courses taught at the Regional Training Center to include the Fire-EMS Academy and Emergency Medical Technician Intermediate; in order for personnel to receive college credit, they must register with VWCC and pay the required tuition; as a part of the partnership, VWCC will reimburse all tuition costs to the City after completion of the class; and the partnership will allow personnel to earn college credits for the course at no cost to the City.

It was further advised that Roanoke Fire-EMS strongly encourages all employees to pursue opportunities for higher education; and the partnership will afford personnel the opportunity to earn college credits for foundation courses taught in the Regional Fire-EMS Recruit Academy, as well as courses offered at the Regional Training Center.

The City Manager recommended that Council authorize the Director of Finance to establish a revenue estimate in the General Fund, in the amount of \$50,000.00, to recover tuition costs paid to VWCC enabling college credits; and appropriate funds in the same amount to Account No. 001-520-3212-2105.

Mr. Fitzpatrick offered the following ordinance:

(#36906-120604) AN ORDINANCE to appropriate funds for the Virginia Western Community College Partnership, amending and reordaining certain sections of the 2004-2005 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 198.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36906-120604. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Wishneff, Cutler, Dowe and Mayor Harris-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE:

BONDS/BOND ISSUES-BUDGET: The Director of Finance submitted a written report advising that the City's 2004B general obligation public improvement bonds of \$46 million have been issued and proceeds are available for appropriation; and the following are projects to be funded by Series 2004B bonds.

<u>Project</u>	<u>Issue Amount</u>	<u>Amount Previously Appropriated</u>	<u>Remaining to be Appropriated</u>	<u>Appropriation Account</u>
<u>Capital Project Fund</u>				
Public Buildings				
Police Building Phase II Expansion	6,670,000.00	6,670,000.00		N/A
Fire/EMS Facilities	<u>4,435,000.00</u>	<u>600,000.00</u>	<u>3,385,000.00</u>	008-530-9678-9169
Total:	11,105,000.00	7,270,000.00	3,835,000.00	
<u>School Capital Projects Fund</u>				
Public Schools (Patrick Henry and William Fleming High Schools)	25,000,000.00	19,500,000.00	5,500,000.00	031-065-6066-9138
<u>Civic Center Fund:</u>				
Civic Center Phase II Expansion	7,895,000.00	2,300,000.00	5,595,000.00	005-550-8616-9169
<u>Parking Fund</u>				
Downtown West Parking Garages	<u>2,000,000.00</u>	<u>600,000.00</u>	<u>1,400,000.00</u>	<u>007-540-8252-9169</u>
TOTAL ISSUE	<u>46,000,000.00</u>	<u>29,670,000.00</u>	<u>16,330,000.00</u>	

It was further advised that several projects have been established and funded from the 2004B General Obligation Bonds in advance of issuance; a proposed budget ordinance will provide appropriate budgetary adjustments where bond funds have been appropriated in advance of issuance and appropriate remaining funds to applicable project accounts.

The Director of Finance recommended that Council adopt the above referenced ordinance.

Mr. Fitzpatrick offered the following ordinance:

(#36907-120604) AN ORDINANCE to appropriate funding from the Series 2004B General Obligation Bonds to various capital projects, amending and reordaining certain sections of the 2004-2005 Civic Facilities, Parking, Capital Projects and School Capital Projects Funds Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 199.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36907-120604. The motion was seconded by Mr. Dowe.

Council Member Wishneff stated that the City should retain the ability to address other more important priorities, such as the construction of parking in support of actual development, rather than in the abstract; therefore, he advised that he would vote against the above referenced ordinance. He requested a briefing at the next Council meeting on the status of supply and demand for downtown parking.

Ordinance No. 36907-120604 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, McDaniel, Cutler, Dowe and Mayor Harris-----6.

NAYS: Council Member Wishneff-----1.

Without objection by Council, the Mayor requested that Council be provided with a briefing by the City Manager on the status of supply and demand for downtown parking.

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of October 2004.

(For full text, see report on file in the City Clerk's Office.)

There being no questions or comments, without objection by Council, the Mayor advised that the October Financial Report would be received and filed.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

CITY COUNCIL-NATIONAL LEAGUE OF CITIES: Council Member Lea advised that he represented the City of Roanoke at the National League of Cities on November 30-December 4, 2004, in Indianapolis, Indiana, at which time he accepted the Center for Digital Government Award that recognized the City of Roanoke as fifth place winner in the 75,000.00-125,000 population category.

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL-VIRGINIA TECH: Council Member Wishneff congratulated the Virginia Tech football team, winners of the ACC title on Saturday, December 4, 2004, and wished them success as they compete against No. 3 rated Auburn in the Sugar Bowl on January 3, 2005, at the New Orleans Superdome.

Mr. Fitzpatrick moved that the City Attorney be requested to prepare a measure congratulating Virginia Tech for consideration by Council at its regular meeting on Monday, December 20, 2004. The motion was seconded by Mr. Wishneff and unanimously adopted.

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL-SCHOOLS: Vice-Mayor Fitzpatrick advised that 32 per cent of all college students native to Virginia attend schools within a 50 mile radius of the City of Roanoke in the area that extends from Alleghany County to Franklin County, with college concentration from Wytheville Community College east and including such institutes as Virginia Tech, Radford University, New River Community College, Wytheville Community College, Dabney S. Lancaster Community College, Virginia Western Community College, Ferrum College, Hollins University, Roanoke College and the Roanoke Higher Education Center. He added that if students from Lexington, Lynchburg, and Danville are included, approximately 45 per cent of all college students native to Virginia attend schools in this region which is a powerful economic model. He suggested that the City Manager submit a recommendation(s) on a concept(s) to acknowledge those colleges and universities.

CITY COUNCIL-SOIL CONSERVATION: Council Member Cutler advised that he represented the City of Roanoke at a meeting of the Virginia Sustainable Building Network on Friday, December 3, 2004. He encouraged the City to join the organization to ensure that future new buildings will adopt new energy, conservation and recyclable material guidelines.

POLICE DEPARTMENT-FIRE DEPARTMENT-ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL: Council Member Dowe congratulated the Roanoke Branch, NAACP, on the successful Freedom Fund Banquet which was held on Friday, December 3, 2004, and called attention to the diversity of those persons in attendance. He also called attention to the number of young people who attended the event this year, and congratulated outgoing President Brenda Hale on her leadership to the Roanoke Branch, NAACP.

The Mayor advised that Roanoke's public safety departments: Police Department, Sheriff's Department and Fire Department were recognized and commended by the NAACP at the banquet.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

CITY MANAGER COMMENTS:

CITY MANAGER-SCHOOLS: The City Manager pointed out that a four year college is currently located within Roanoke City limits, the Jefferson College of Health Sciences, which is growing in terms of the number of enrollments. She called attention to a meeting with the President of the College at which time she was briefed on the ambitious goals of the institution to expand to a student population of 1,000 within the next three years, with the addition of several graduate level programs. She stated that during the next several years, dormitories may be constructed in the downtown Roanoke area to serve the needs of the student population.

CITY MANAGER: The City Manager presented each Member of Council with a copy of the Municipal Calendar which will be mailed to each City residence, and the City's Quarterly Citizen Magazine will also be mailed to each City residence in January, 2005.

She called specific attention to a photo contest in which residents of the Roanoke Valley were asked to submit photographs of places, activities, or individuals that best represent the special nature of the City of Roanoke in recognition of Roanoke having been selected as one of the nation's most livable communities.

At 3:20 p.m., the Mayor declared the Council meeting in recess to be reconvened in Room 159 for an update on traffic calming.

At 3:25 p.m., the Council meeting reconvened in Room 159, Noel C. Taylor Municipal Building, with all Members of the Council in attendance, Mayor Harris presiding.

TRAFFIC: The City Manager introduced a briefing on street calming and transportation initiatives. She advised that City staff requests input by Council regarding priorities/improvements to be addressed over the next several months.

Kenneth H. King, Jr., Manager of Transportation, advised that:

- During the past several months, the following streetscape enhancement projects have been implemented: Williamson Road, Jamison and Bullitt Avenues and Grandin Village.

- The purpose of the project development phase is to manage and to prioritize needs and citizen requests, to ensure appropriate communication between staff, management, City Council and citizens; and to identify the means to ensure that priorities are revisited periodically and to ensure progress on individual projects.
- Project development includes:
 - Project identification and scoping; i.e.: project request received or need identified, scope of project, stakeholder involvement, brief City management and Council, and City Manager/City Council approval for funding for preliminary engineering.
- Preliminary Engineering; i.e.: project planning and development, stakeholder involvement, identify candidate projects for funding, brief City management and City Council, and City Manager/City Council approval of funding for implementation.
- Project Implementation: i.e.: final engineering design and permitting, and construction.
- Candidate projects are divided into two categories: Traffic Operational Improvements and Streetscape Projects.

Mark D. Jamison, Traffic Engineer, reviewed the following traffic operational improvements:

- Aviation/Towne Square/Thirlane intersection which involves possible intersection improvements to include roadway realignment and installation of a traffic signal at Aviation Drive and Towne Square, estimated to cost \$1,300,000.00 (estimate does not include acquisition of right-of-way or easements). The project evolved from discussions with Kimco Realty; and the Roanoke Regional Airport Commission is supportive of the project because it will define the front door of the airport and relieve some of the traffic demand on Hershberger Road.
- Orange Avenue/King Street intersection improvements which will evaluate potential improvements to address delays for traffic traveling south on King Street (widening on King Street, turn lanes on Orange Avenue), at an estimated cost of \$25,000.00 for preliminary engineering only.

- Williamson Road/Shenandoah Avenue intersection which includes median construction to provide a northbound left turn lane into Shenandoah Avenue, at an estimated cost of \$200,000.00 (does not include acquisition of right-of-way or resurfacing of existing street within the project limits).
- Hershberger Road/Ordway Drive improvements which involve roadway and intersection improvements to allow removal of a signal at Ordway Drive and Frontage Road and modification of traffic patterns in the area, at an estimated cost of \$1,000,000.00.
- Hollins Road/Mason Mill Road intersection improvements which involve the widening of Hollins Road and Mason Mill Road to provide turn lanes, at an estimated cost of \$25,000.00 for preliminary engineering only.

Mr. King advised that representatives of The Kroger Company and Sam's Club have indicated a willingness to support the Aviation/Towne Square/Thirlane Intersection project and to participate financially; however, they have requested as much justification as possible to begin the process and to advance the request for funds through their corporate offices. He called attention to the importance of preparing financial data and cost estimates, and that the City of Roanoke partially fund the project which will provide the necessary credibility with corporate offices in order to advance the project. He explained that the Roanoke Regional Airport Commission and the Airport Executive Director are supportive of the project and willing to participate in project costs; however, the Executive Director has requested more detailed information which will place her in a better position to negotiate a lease agreement with the Federal Aviation Administration on a proposed radar site at the airport.

Vice-Mayor Fitzpatrick requested more justification on median construction to provide a northbound lane onto Shenandoah Avenue. He advised that a sign on I-581 directing visitors to the Roanoke Civic Center and down Williamson Road, with a right turn to the Roanoke Valley Convention and Visitor's Center, would address the situation.

The Mayor concurred in the remarks of Vice-Mayor Fitzpatrick and suggested that the appropriate signage be explored.

Mr. King reviewed the following streetscape projects:

- Memorial Avenue Streetscape, Phase 2, which will include continuation of streetscape improvements to connect with Grandin Road and Memorial Avenue bike lanes.

There was discussion with regard to bicycle lanes; whereupon, Vice-Mayor Fitzpatrick called attention to the need for more education about bicycles and/or other changes to what is potentially seen as traffic in order to understand the bigger picture; i.e.: greenways and certain streets that will become a part of the connector. He asked that Council be briefed on what City staff believes integrated transportation means and what will be required of the Council as a policy body.

It was noted that City staff is presently updating the Regional Bike Plan.

- Huff Lane Traffic Calming which involves traffic calming in the vicinity of Huff Lane Elementary School, at an estimated cost of \$250,000.00.
- Main Street which involves bicycle and streetscape improvements on Wasena Bridge between Ferdinand Avenue and Wasena Avenue, at an estimated cost of \$10,000.00 for preliminary engineering only.

The Mayor called attention to the intersection of Main Street and Elm Avenue, S. W., and the need for installation of a sign at the traffic light specifying no right turn on red.

- Avenham Avenue traffic calming which involves traffic calming on Avenham Avenue between Franklin Road and Broadway, at an estimated cost of \$30,000.00 for preliminary engineering only.
- Brandon Avenue landscaped median construction which involves the addition of landscaped median islands between Peters Creek Road and the west City limits, at an estimated cost of \$10,000.00 for preliminary engineering only.

Mr. King advised that projects have been listed in priority order in each of the above referenced categories.

The City Manager recommended that Council approve a preliminary engineering study of the Aviation/Towne Square/Thirlane intersection to develop actual design and cost estimates. She advised that Valley View Mall is another key player that should be brought into the discussions, and requested approval by Council to spend \$250,000.00 for preliminary engineering studies as an indication that the project will be partially funded by the City. She explained that \$500,000.00 has been identified in the Public Works/Transportation budget for programming of the recommended projects.

Council discussion centered around traffic volume on Brambleton/Brandon Avenues; Peakwood Drive and issues regarding the Wilton at South Roanoke project; the area around the Art Museum of Western Virginia; the Downtown Master Plan which will address the extension of downtown Roanoke to the other side of Williamson Road and how to capture existing opportunities; streetscape improvements in the Crystal Spring Commercial Corridor, with certain enhancements between Lipes Pharmacy and the post office, i.e.: more angled parking, trees and installation of sidewalk; access to the Bio Medical Center which is a Virginia Department of Transportation project; Riverland Road, Bennington Street and Mount Pleasant Boulevard traffic; and Interstate 581 – Elm Avenue Corridor and the U. S. Route 220 Corridor Study, which is at the stage of finalizing the scope of the project, and given the decision that Interstate 73 will come down the corridor, it is believed that Bio Medical Center access will be focused toward Elm Avenue and Wonju Street, therefore, the City's goal is to make the Elm Avenue connection the primary operational connection in order for the Bio Medical Center to be an extension of downtown.

The City Manager advised that the following projects are recommended:

- Aviation/Towne Square/Thirlane intersection which involves the potential of intersection improvements to include roadway realignment and installation of a traffic signal at Aviation Drive and Towne Square, estimated to cost \$1,300,000.00 (estimate does not include acquisition of right-of-way or easements).
- Huff Lane traffic calming which involves traffic calming in the vicinity of Huff Lane Elementary School, at an estimated cost of \$250,000.00.
- Preliminary engineering on Orange Avenue/King Street intersection which will evaluate potential improvements to address delays for traffic traveling south on King Street (widening on King Street, turn lanes on Orange Avenue), at an estimated cost of \$25,000.00.
- Preliminary engineering which involves traffic calming of Avenham Avenue between Franklin Road and Broadway.

There was discussion with regard to the status of building plans for Roanoke's future art museum; whereupon, the City Manager advised that City staff will confer with the appropriate officials of the Art Museum to arrange for either one on one Council briefings, or a Council work session to address the matter.

COUNCIL: With respect to the Closed Meeting which was held earlier in the day, Mr. Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Wishneff and adopted by the following vote:

AYES: Council Members Fitzpatrick, McDaniel, Wishneff and Cutler-----4.

NAYS: None-----0.

(Council Members Dowe, Lea and Mayor Harris left the meeting during the briefing on street calming and transportation initiatives.)

There being no further business, the Vice-Mayor declared the meeting adjourned at 4:25 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

C. Nelson Harris
Mayor

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

December 20, 2004

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, December 20, 2004, at 2:00 p. m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36762-070604 adopted by the Council on Tuesday, July 6, 2004.

PRESENT: Council Members Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

BUDGET-ACTS OF ACKNOWLEDGEMENT-MANAGEMENT AND BUDGET: The Mayor advised that he was pleased to announce that the City of Roanoke and the Director of Management and Budget, Sherman Stovall, are the recipients of the Government Finance Officers Association Distinguished Budget Presentation Award for the City's fiscal year 2004 budget. He stated that the City of Roanoke is proud to accept the award which represents a significant achievement by the City and reflects the commitment of the Council and City staff to meeting the highest principles of governmental budgeting.

He presented a certificate and plaque to Mr. Stovall.

VIRGINIA TECH-SPORTS ACTIVITIES: Mr. Fitzpatrick offered the following resolution:

(#36908-122004) A RESOLUTION congratulating the football team of the Virginia Polytechnic Institute and State University for winning the 2004 Atlantic Coast Conference Championship Title.

(For full text of resolution, see Resolution Book 69, Page 201.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36908-122004. The motion was seconded by Mr. Lea and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

ACTS OF ACKNOWLEDGEMENT: The Mayor advised that Shining Star Awards are presented to persons who go above and beyond the call of duty to be of service to their fellow man and woman and to their community, and on behalf of the Members of Council, he was pleased to present awards to Mr. Randall Haigler and Mr. Brian McFarland.

The Mayor advised that on July 8, 2003, police officers were dispatched to the scene of a robbery and the assault of a person at Oakland Boulevard and Courtland Road, N. W.; Messrs. McFarland and Haigler observed the altercation and were following the suspects on bicycles when they saw police officers approaching, at which time they pointed out the suspects; both suspects were taken into custody; however, the incident drew the attention of an angry crowd; Messrs. McFarland and Haigler approached the crowd and explained that they followed the suspects after the victim called to them for help; both suspects were charged with robbery by violence and malicious wounding and detectives were later able to charge them with five other robberies in the Valley View Mall area. He stated that without the assistance of Messrs. McFarland and Haigler, police officers investigating the case believe that the suspects would not have been apprehended and the other robberies would remain unsolved.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to one request for a Closed Session.

MINUTES: Minutes of the regular meeting of Council held on Monday, November 1, 2004, were before the body.

Mr. Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, and to interview applicants for vacancies on the City Planning Commission, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor to convene in Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

COMMITTEES-BLUE RIDGE BEHAVIORAL HEALTHCARE: A communication from S. James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare, advising that at its regular meeting on December 2, 2004, the Board of Directors of Blue Ridge Behavioral Healthcare voted unanimously to nominate Dana Barnes Lee to fill a Board member at-large vacancy, effective December 31, 2004, was before Council.

It was requested that Council ratify the appointment of Ms. Lee for a three-year term commencing January 2005 through December 2007.

Mr. Fitzpatrick moved that Council ratify the appointment of Dana Barnes Lee for a term commencing January 2005 and ending December 2007. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

CITY COUNCIL-ROANOKE ARTS COMMISSION-ARTS ACQUISITION: A communication from Mayor C. Nelson Harris requesting concurrence by Council in the adoption of the following policy with regard to the City of Roanoke procuring art from the City Art Show:

- (1) The City of Roanoke will annually acquire the winner of the "Best in Show" award in the City Art Show to be included in the City's public art collection.
- (2) If the "Best in Show" is not for sale or deemed unsuitable as public art by the Roanoke Arts Commission, the Roanoke Arts Commission shall select another piece from the show for acquisition.
- (3) Funds for the purchase shall come from the Percent for the Arts program.
- (4) The Roanoke Arts Commission shall advise the City as to the most appropriate placement for the art.

A communication from Mark C. McConnel, Chair, Roanoke Arts Commission, recommending that Council adopt the above referenced policy, was before the body.

Mr. Cutler offered the following resolution:

(#36909-122004) A RESOLUTION adopting a policy relative to the City of Roanoke procuring art from the City Art Show, and the Roanoke Arts Commission's role in the selection of such art work.

(For full text of resolution, see Resolution Book 69, Page 202.)

Mr. Cutler moved the adoption of Resolution No. 36909-122004. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: See page 543-545.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-EMERGENCY SERVICES: The City Manager submitted a communication advising that prior to 2001, all wireless calls for E-911 service were processed by the Virginia State Police; beginning in 2001, all 911 wireless calls became the responsibility of local E-911 Centers; and to support the transfer of wireless call volumes to the localities, the Commonwealth of Virginia established an annual funding allocation based on wireless call volumes for local staff, equipment and training needs, which is administered by the Virginia E-911 Wireless Services Board.

It was further advised that in fiscal year 2001-02, the City of Roanoke E-911 Center processed 13,000 wireless phone calls; and in fiscal year 2003-04, a total of 48,486 wireless calls were processed, which represented 17 per cent of total call volume in the E-911 Center.

The City Manager explained that based on wireless call volume level, the Wireless Services Board is providing an additional \$140,148.42 over and above last year's allocation for E-911 Center staff, training and equipment needs; funds will be available in future years and should increase as wireless 911 call volumes continue to increase; there are no requirements for matching funds; and Council is requested to appropriate the additional funds for E-911 Center training, hardware and employment of two additional Public Safety Telecommunicators and one additional Communications Supervisor.

The City Manager recommended that Council accept funding from the Virginia State Wireless E-911 Services Board and increase the wireless revenue estimate by \$140,148.00; appropriate \$12,500.00 to E-911 Wireless, Account No. 001-430-4130-2044, for E-911 training; appropriate \$68,203.00 to E-911 upgrades for Hardware/Software, Account No. 013-430-9870-9007, for upgrades to software and hardware; authorize the addition of two Public Safety Telecommunicators and one Communications Supervisor in the Department of Technology, to provide support for the increase in E-911 Center wireless call volumes; and appropriate \$59,445.00 to certain E-911 accounts.

The City Manager advised that funding and associated expenditure amounts will be adjusted during the annual budgeting process to reflect a full year of activity for each fiscal year thereafter.

Mr. Fitzpatrick offered the following ordinance:

(#36910-122004) AN ORDINANCE to appropriate funds for the E-911 State Wireless Board Funding, amending and reordaining certain sections of the 2004-2005 General and Department of Technology Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 203.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36910-122004. The motion was seconded by Mr. Lea and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

BUDGET-GRANTS-FDETC: The City Manager submitted a communication advising that the City of Roanoke is the grant recipient for Workforce Investment Act (WIA) funding, therefore, Council must appropriate funding for all grants and other monies received in order for the Western Virginia Workforce Development Board to administer WIA programs; the Western Virginia Workforce Development Board administers the Federally funded Workforce Investment Act (WIA) for Area 3, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, and the Cities of Covington, Roanoke, and Salem; and WIA funding is intended for four primary client populations:

- Dislocated workers who have been laid off from employment through no fault of their own;
- Economically disadvantaged individuals as determined by household income guidelines defined by the U. S. Department of Labor;
- Youth who are economically disadvantaged, or have other barriers to becoming successfully employed adults; and
- Businesses in need of employment and job training services.

It was further advised that the Western Virginia Workforce Development Board has received a second Notice of Obligation (NOO) from the Virginia Employment Commission allocating an additional \$109,300.00 for the Adult Program, which serves economically disadvantaged persons; and \$89,480.00 for the Dislocated Worker Program, which serves persons laid off from employment through no fault of their own for Program Year 2004 (July 1, 2004 - June 30, 2006); and ten per cent of the aforementioned totals are to be allocated to the administrative function of the Western Virginia Workforce Development Board.

The City Manager recommended that Council accept Western Virginia Development Board Workforce Investment Act funding of \$198,780.00 for Program Year 2004; and appropriate the funds to certain accounts listed on an attachment to the communication and increase related revenue estimates in the Grant Fund.

Mr. Fitzpatrick offered the following ordinance:

(#36911-122004) AN ORDINANCE to appropriate funding for the FY05 Workforce Investment Act Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 204.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36911-122004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris -----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following resolution:

(#36912-122004) A RESOLUTION accepting the Western Virginia Workforce Development Board Workforce Investment Act funding of \$198,780.00 and authorizing the City Manager to execute the requisite documents necessary to accept the funding.

(For full text of resolution, see Resolution Book No. 69, Page 206.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36912-122004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris -----7.

NAYS: None-----0.

BUDGET-HUMAN DEVELOPMENT-GRANTS: A communication from the City Manager advising that the City of Roanoke Department of Social Services, in collaboration with the local departments of social services in the Counties of Roanoke, Franklin, Craig, and Botetourt, along with Total Action Against Poverty, Blue Ridge Behavioral Healthcare, Goodwill Industries of the Valleys, and Support to Eliminate Poverty, have been awarded an Employment Advancement for TANF Participants grant from the Virginia Department of Social Services (VDSS), in the amount of \$615,000.00; the above named agencies have formed the Southwest Virginia Regional Employment Coalition; the grant is intended to assist citizens of localities who are receiving Temporary Assistance to Needy Families (TANF) benefits to obtain employment or, where appropriate, an alternative disability income; the grant period is from December 1, 2004 through May 31, 2006; and the City of Roanoke will serve as primary fiscal agent responsible for distributing grant proceeds to provider agencies for services provided to local DSS agencies, with the exception of \$22,893.00 of the total grant that will be accessed by Roanoke County directly from the VDSS.

It was further advised that the above grant funding is required to maintain and improve existing services to TANF population which will enable them to obtain employment or, where appropriate, an alternative disability income.

The City Manager recommended that she be authorized to execute all appropriate documents related to acceptance of the grant, to be approved as to form by the City Attorney; and that Council appropriate funds totaling \$592,107.00 and establish a revenue estimate of \$592,107.00 in an account to be established by the Director of Finance in the Grant Fund.

Ms. McDaniel offered the following budget ordinance:

(#36913-122004) AN ORDINANCE to appropriate funding for the Employment Advancement for TANF Participants Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 207.)

Ms. McDaniel moved the adoption of Ordinance No. 36913-122004. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36914-122004) A RESOLUTION authorizing acceptance of a grant award under the Temporary Assistance to Needy Families (TANF) Project from the Virginia Department of Social Services, for the purpose of maintaining and improving existing services to eligible TANF recipients which will enable them to obtain employment or, where appropriate, an alternate disability income, authorizing the City of Roanoke to serve as fiscal agent for the distribution of such funds to the Southwest Virginia Regional Employment Coalition, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant.

(For full text of resolution, see Resolution Book 69, Page 207.)

Mr. Dowe moved the adoption of Resolution No. 36914-122004. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

PARKS AND RECREATION-SCHOOLS: The City Manager submitted a communication advising that the Parks and Recreation Department opened its first fitness center, in partnership with Roanoke City Public Schools, at Breckinridge Middle School in October 1997, which was followed by fitness center openings at Woodrow Wilson Middle School in November 1998, Addison Middle School in December 1999, and Jackson Middle School in February 2001.

It was further advised that the schools use the fitness room and equipment for physical education classes and sports conditioning; and the Department of Parks and Recreation operates the facility as a fitness center, open to the general public during non-school hours.

It was explained that the current one year agreement with the Roanoke City School Board, with the option to renew for four additional one-year terms, expired on December 14, 2004; the current agreement was authorized by Ordinance No. 34514-102099; minor revisions have been made to the current agreement, therefore, it is requested that the revised agreement be continued for an additional term of one year, with an option to renew for up to four additional one-year terms, ending December 14, 2009; the rights of both the City of Roanoke and the Roanoke City School Board are included in an attachment to the communication; and the current level of funding in fiscal year 2005 is \$17,990.00, which includes \$15,040.00 for part time salaries, \$2,250.00 for utility/custodian charges, \$200.00 for equipment repair, and \$500.00 for operational supplies.

The City Manager recommended that she be authorized to execute the agreement, in a form to be approved by the City Attorney, and continue operation of the Lucy Addison Fitness Center.

Mr. Dowe offered the following resolution:

(#36915-122004) A RESOLUTION authorizing the City Manager to execute an agreement between the City of Roanoke School Board and the City of Roanoke, allowing the City to operate a fitness center at Lucy Addison Middle School for use by the general public, upon certain terms and conditions.

(For full text of resolution, see Resolution Book 69, Page 208.)

Mr. Dowe moved the adoption of Resolution No. 36915-122004. The motion was seconded by Mr. Fitzpatrick.

Question was raised with regard to the rate schedule for use of the fitness centers; whereupon, the City Manager advised that the information would be provided to the Members of Council following the Council meeting.

Resolution No. 36915-122004 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

DONATIONS/CONTRIBUTIONS-NORFOLK SOUTHERN CORPORATION-VIRGINIA TRANSPORTATION MUSEUM: The City Manager submitted a communication advising that the City of Roanoke presented a proposal to Norfolk Southern Railway Company (Norfolk Southern) to display a flatcar in a public area within the City, and, in conjunction with the proposal, the City requested that Norfolk Southern donate the former Southern Railway Company Car No. SOU 51836 Flatcar to the City of Roanoke.

It was further advised that Norfolk Southern has agreed to donate the flatcar and has identified the terms and conditions of the donation; specifically, the City will accept the flatcar "As Is", without any warranty; the City will agree to conduct a joint inspection of the flatcar with Norfolk Southern prior to delivery; if inspection discloses any defects inconsistent with the City's intended use of the flatcar, the City may elect to refuse the donation; upon acceptance of the donation, the City will assume all risk associated with use and display of the flatcar and will maintain the flatcar in good condition and in a manner suitable for public display.

The City Manager recommended that she be authorized to execute a Letter of Agreement with Norfolk Southern Railway Company for donation of a SOU 51836 Flatcar.

Mr. Cutler offered the following resolution:

(#36916-122004) A RESOLUTION accepting the donation to the City by Norfolk Southern Railway Company of a SOU 51836 Flatcar, expressing the City's appreciation for this donation and authorizing the execution of a Letter Agreement, dated November 29, 2004, evidencing the City's agreement to certain terms and conditions relating to the donation of the Flatcar.
(For full text of resolution, see Resolution Book 69, Page 209.)

Mr. Cutler moved the adoption of Resolution No. 36916-122004. The motion was seconded by Mr. Dowe.

In response to a question regarding the proposed location for the flatcar, Vice-Mayor Fitzpatrick advised that when the railwalk was originally designed and constructed, two rails were already embedded in the concrete in front of what would be an entertainment stage between Salem Avenue and Norfolk Avenue, behind Campbell Court, and the flatcar would become a stage at that location as a part of the City's ongoing public events efforts.

Resolution No. 36916-122004 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

EMERGENCY SERVICES-GRANTS: The City Manager submitted a communication advising that the City of Roanoke has obtained national certification for all Public Safety activities (Fire/EMS, Police and Sheriff Departments), with the exception of the E-911 Center; City staff is currently applying to the Commission on Accreditation for Law Enforcement Agencies (CALEA) for national certification for the E-911 Center, and is applying for a \$3,500.00 grant to cover initial accreditation costs; funds are available in the current budget for matching funds of \$2,700.00; the annual re-certification cost of \$2,700.00 would be paid from existing funds; national certification will ensure that the E-911 Center maintains current policies and procedures, and will contribute to the delivery of outstanding communication services to the citizens of Roanoke.

The City Manager recommended that Council adopt a resolution in support of an application by the E-911 Center for a grant for national accreditation, and on-going financial support in the future to retain the certification.

Mr. Fitzpatrick offered the following resolution:

(#36917-122004) A RESOLUTION endorsing the participation by the City of Roanoke's E911 Center in a National Accreditation Program through the Commission on Accreditation for Law Enforcement Agencies.

(For full text of resolution, see Resolution Book 69, Page 210.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36917-122004. The motion was seconded by Mr. Cutler.

The City Manager was requested to describe the benefits of accreditation; whereupon, she advised that the most significant benefit is that the department would be reviewed by its peers to ensure that the City of Roanoke is managing its dispatch center in the most professional manner, and accreditation provides a way for staff to continue to look at itself with the help of others in the field to ensure that the City is taking advantage of all of the best practices. She stated that gaining accreditation is also a rewarding experience for employees because it demonstrates that they have attained the highest level of standards; the City of Roanoke continues to be one of few communities in the United States where three of its law enforcement activities have received national accreditation; i.e.: the Sheriff's Department, the Police Department and the Fire Department; therefore, it is both a pride issue, and a professionalism issue, in order to provide the best possible dispatch function for Roanoke's citizens.

Resolution No. 36917-122004 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

SEWERS AND STORM DRAINS-WATER RESOURCES: The City Manager submitted a communication advising that on July 1, 2004, the Western Virginia Water Authority (WVWA) assumed all water and sewer utility functions from the City of Roanoke; in connection with providing water and sewer functions for residents of the City, on November 18, 2004, the WVWA adopted a mandatory water connection policy and a mandatory sewer connection policy; and the Board of Directors of the WVWA has requested that Council and the Roanoke County Board of Supervisors adopt a concurring resolution, pursuant to Section 15.2-5137, Code of Virginia, (1950), as amended.

It was further advised that in connection with adopting a concurring resolution, certain revisions will be necessary to Chapter 35, Water, Article I, In General, Code of the City of Roanoke (1979), as amended; such changes will provide for a penalty for violations of the chapter, for authorization for the WVWA to enforce provisions of the chapter to the extent permitted by law, and for mandatory water connections in accordance with WVWA policy, rules and regulations; and Roanoke County adopted a concurring resolution on December 7, 2004.

The City Manager recommended that Council adopt a resolution concurring in the adoption by the WVWA of certain water and sewer connection policies, as adopted by the WVWA on November 18, 2004, pursuant to Section 15.2-1537, Code of Virginia (1950), as amended, and that Council adopt an ordinance amending and reordaining Chapter 35, Water, Article I, In General, Code of the City of Roanoke (1979), as amended, by adding Sections 35.1-1 through 35.1-3, effective on and after January 1, 2005.

Mr. Cutler offered the following resolution:

(#36918-122004) A RESOLUTION concurring with the adoption by the Western Virginia Water Authority of certain water and sewer connection policies pursuant to Virginia Code §15.2-5137.

(For full text of resolution, see Resolution Book 69, Page 211.)

Mr. Cutler moved the adoption of Resolution No. 36918-122004. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

Mr. Cutler offered the following ordinance:

(#36919-122004) AN ORDINANCE amending and reordaining Chapter 35, Water, Article I, In General, of the Code of the City of Roanoke (1979), as amended, by adding Sections 35-1 through 35-3, as requested by the Western Virginia Water Authority (WVWA); providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 212.)

Mr. Cutler moved the adoption of Ordinance No. 36919-122004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

ZONING: The City Manager submitted a communication advising that the City of Roanoke and Colonial Partners, LLC, (now Colonial Green, LC) the developer previously selected through a Request for Proposals for development of approximately 23 acres of City-owned property located on Colonial Avenue, S. W., have completed the drafting of a rezoning petition and associated exhibits to request that the property be rezoned from RS-2, Single Family Residential District, to RPUD, Residential Planned Unit Development District; and the rezoning would permit physical development of the site for creation of a mixed density traditional neighborhood design and layout.

It was further advised that the RPUD, Residential Planned Unit Development District, provides for review and approval of a development plan that indicates the location and extent of required infrastructure, including streets, storm water systems, and open space; the development plan also indicates the general placement, scale and density of proposed buildings on the site and their relationships to public infrastructure and open space; and in addition to general requirements of the RPUD District, the petition includes a proffer conditioning development of the site to a Development Pattern Book which provides for additional details of designs, including specific site design requirements and building typologies and general architectural design requirements and guidelines.

The City Manager recommended that she be authorized to file a petition to rezone the property located along Colonial Avenue, S. W., identified as Official Tax No. 1570101, from RS-2, Single Family Residential District, to RPUD, Residential Planned Unit Development District, subject to certain conditions as set forth in the petition for rezoning.

Mr. Fitzpatrick offered the following resolution:

(#36920-122004) A RESOLUTION authorizing the filing of a petition to rezone property which is owned by the City of Roanoke and which is designated as Official Tax No. 1570101, subject to certain proffers.

(For full text of Resolution, see Resolution Book 69, Page 214.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36920-122004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

CITY ATTORNEY: NONE.

DIRECTOR OF FINANCE: NONE.

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting appropriation of \$494,136.00 for the 2004-05 Flow Through program, to provide aid for the education and guidance of handicapped students, said continuing program to be one hundred per cent reimbursed by Federal funds, was before the body.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Mr. Fitzpatrick offered the following budget ordinance:

(#36921-122004) AN ORDINANCE to appropriate funding for Flow Through Grant for handicapped students, amending and reordaining certain sections of the 2004-2005 School Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 215.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36921-122004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

SCHOOLS: A communication from the Roanoke City School Board requesting that Council approve a State Literary Fund loan application, in the amount of \$3.85 million, for improvements to Westside Elementary School, was before the body.

It was advised that the School Board originally approved a \$3.1 million Literary Fund loan on November 11, 2003, and will withdraw the \$3.1 million loan application; the loan application includes a resolution for architectural supervision; and debt service on the loan will increase the Board's debt service expenditure by \$308,000.00, commencing in fiscal year 2006-07, but no debt service liability is incurred until funds are drawn against the loan account.

It was noted that in accordance with previous discussion with Council in the Spring of 2004, the School Board will adjust its future debt service to ensure that it does not exceed the City's debt ceiling limit.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Mr. Cutler offered the following resolution:

(#36922-122004) A RESOLUTION authorizing the School Board for the City of Roanoke to make application for a loan from the State Literary Fund for adding to and modernizing Westside Elementary School.

(For full text of resolution, see Resolution Book 69, Page 216.)

Mr. Cutler moved the adoption of Resolution No. 36922-122004. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following resolution:

(#36923-122004) A RESOLUTION authorizing the School Board for the City of Roanoke to expend funds for improving the present school building at Westside Elementary School and declaring the City's intent to borrow to fund or reimburse such expenditures.

(For full text of resolution, see Resolution Book 69, Page 216.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36923-122004. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

BONDS/BOND ISSUES-SCHOOLS: Council having held a public hearing on Monday, December 6, 2004, with regard to issuing General Obligation Bonds to finance a portion of the costs to rehabilitate, repair or equip Fallon Park Elementary School, Mr. Fitzpatrick offered the following resolution:

(#36924-122004) A RESOLUTION authorizing the issuance of a \$439,100.00 General Obligation Qualified Zone Academy Bond (Fallon Park Elementary School), Series 2004, of the City of Roanoke, Virginia, to be sold to Bank of America, N. A. and providing for the form and details thereof. (For full text of resolution, see Resolution Book 69, Page 217.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36924-122004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

FIRE DEPARTMENT-ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL: Council Member Cutler advised that former Council Member Linda F. Wyatt was awarded an honorary membership to the Roanoke Firefighters Association at the 38th Annual Banquet which was held on December 18, 2004, at the Clarion Hotel Roanoke Airport. He also advised that Tim Keagy, Firefighter/EMT, and Dan Spirin, Firefighter/Paramedic were named as Firefighters of the Year for their work in connection with the City's Swift Water Rescue Team.

ACTS OF ACKNOWLEDGEMENT-SPORTS ACTIVITIES: Council Member Lea commended the City of Salem, host of the NCAA Stagg Bowl which was held on Saturday, December 18, 2004.

ACTS OF ACKNOWLEDGEMENT: The Mayor extended holiday greetings to all citizens of the Roanoke Valley.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

ARMORY/STADIUM: Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke in support of renovating and promoting the use of Victory Stadium.

CITY GOVERNMENT–CITY COUNCIL: Ms. Helen E. Davis, 35 Patton Avenue, N. E., spoke in support of improved holiday decorations for the City of Roanoke for the 2005 holiday season. She called attention to surrounding localities that display lights as a part of their holiday decorations, and advised that since the City of Roanoke is a five time All America City, it should set the example for neighboring jurisdictions.

DRUGS/SUBSTANCE ABUSE–HOUSING/AUTHORITY–SEWERS AND STORM DRAINS–WATER RESOURCES–ARMORY/STADIUM: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., wished the Members of Council and citizens of the City of Roanoke a happy and blessed holiday season as they celebrate the birth of Jesus. As Members of Council bask in the warmth and happiness of their loved ones, she asked that they remember those citizens who are anxious and fearful about a methadone clinic being located near their homes, those citizens who reside at the Villages at Lincoln who have requested front screen doors on their housing units, and those citizens who are experiencing financial difficulty due to increased water and sewage rates. While remembering those citizens, she asked that elected and appointed officials take the necessary actions to save Victory Stadium for future generations of Roanokers.

CITY MANAGER COMMENTS:

ACTS OF ACKNOWLEDGEMENT–CITY EMPLOYEES: The City Manager presented a summary of some of the accomplishments by City employees during the year 2004:

- The City of Roanoke's 2004 United Way Campaign surpassed its goal of \$75,000.00 by approximately \$7,000.00, with City employees having given in excess of \$82,000.00, which is a significant achievement inasmuch as approximately 180 employees from the City's Water and Wastewater operations were transferred to the newly formed Western Virginia Water Authority on July 1, 2004.
- Significant renovations were made to the Auditorium at the Roanoke Civic Center which is now known as the Performing Arts Theatre.
- The Department of Economic Development was awarded national accreditation.

- New right-of-way excavation and restoration standards were initiated through the City's Engineering Department which will lead to improved appearance of City streets and improved rideability for citizens.
- The Department of Human Resources employed a full time nurse practitioner to serve not only City employees but members of their immediate families which has significantly contributed to the City's lower than normal health care costs.
- The Police Department continues to be successful in implementation of geographic policing which has generated significant citizen support.
- The Department of Technology recently launched a new web site for the City of Roanoke and continues to redesign and enhance the service for Roanoke's citizens.
- The City continues to engage in a successful recycling program which has led to an annual cost avoidance of just under \$100,000.00, and for the third month since July 1, 2004, the City has not paid to have its recyclables disposed of due to the level of participation by Roanoke's citizens.
- The Fourth Leadership College, sponsored by the Department of Housing and Neighborhood Services, was recently completed.
- The Finance Department, with the assistance of certain other City departments, saved taxpayers more than \$2.7 million by refinancing General Obligation Bonds.
- The City of Roanoke collaborated with the Emergency Medical Services Department and the Office of Emergency and Environmental Management to create, fund and train the first Swift Water Rescue Team.
- The Department of Parks and Recreation planted approximately 700 trees in the City of Roanoke through the City's Urban Forestry Program.
- A significant public/private partnership was opened in Ridgewood Park.

The City Manager advised that all of the accomplishments by City employees during the past year are too numerous to mention and the above represents only a summary of activities performed by City staff as they strive to provide the very best in quality services to Roanoke's citizens.

At 3:20 p.m., the Mayor declared the Council meeting in recess for a briefing by the City Manager and one Closed Session.

At 3:25 p.m., the Council meeting reconvened in the Council's Conference Room, with all Members of the Council in attendance, Mayor Harris presiding.

TRAFFIC-PARKING FACILITIES: Philip C. Schirmer, City Engineer, presented a briefing on supply and demand for parking and continued efforts to acquire property for parking in the downtown Roanoke area.

As background, he advised that:

- Two major studies of parking in the downtown area were completed by Wilbur Smith and Associates and DESMAN in September 2001 and October 2002, followed by Council briefings.
- Studies included the Gainsboro, Old Southwest and downtown area and concluded that overall, sufficient parking exists in the downtown area, but parking is not well distributed.
- Copy of an Executive Summary, Downtown Roanoke Virginia Parking Study, prepared by Wilbur Smith and Associates, was presented.
- In response to the study, City staff was instructed to study parking in more detail in the downtown area; i.e.: Municipal Building, Campbell Avenue on the north side, Second Street up to 6th Street, Luck Avenue, The Jefferson Center area and the Church Avenue corridor.
- A consultant was engaged and interviews were conducted with virtually all stakeholders that own or control parking in the area, i.e.: the Red Cross, First Baptist Church, YMCA, The Jefferson Center, City functions for the courts, municipal operations, Channel 10, and Oakey's Funeral Home, etc.
- At the time the study was conducted, projects involving the new YMCA Aquatic Center, as well as the second phase of the new Police building, were discussed.
- Council previously approved a plan that called for the City to provide parking for the new police building and vehicles associated with the operation in a parking garage space.
- The Jefferson Center has always been a key component, as well as potential development of the Cotton Mill property.

- The majority of properties are zoned C-3. Under the City's Zoning Ordinance, C-3 development does not require any on site parking, which overall increases the demand on the public sector to provide a certain amount of space.
- The conclusion of the DESMOND study was that during peak day demand or between 10:00 a.m. and 2:00 p.m., there is a deficit of approximately 500 parking spaces. Another demand on the area is The Jefferson Center, with the potential that a major weekend event could create a deficit of 303 parking spaces.
- At the Council's Financial Planning Session in March 2003, Council approved, as a part of the City's capital spending plan, a \$7.2 million project to build a 500 space parking garage and at that time, a site had not been identified.
- As City staff reviewed the parking garage and the need for parking in the area, there appeared to be two focuses for the demand for parking, i.e.: at the east end of the alley and around The Jefferson Center and the YMCA building.
- Initially, a 500 space parking deck was envisioned which led to the question of where to place a single deck, which then led to discussion about dividing the deck into two separate decks.
- A map was presented showing various sites that were reviewed.
- The site that is being actively pursued is property owned by the Red Cross, Official Tax Nos. 1113512, 1113513 and 1113514, located at the corner of 5th Street and Luck Avenue, S. W., and the Roanoke Times property, Official Tax No. 1010829, located on Campbell Avenue, S. W.
- Allocation of parking spaces between the two decks has not been determined, but should be in the range of 250 - 300 parking spaces per deck.

Council Member Wishneff requested written information on Council briefings prior to the Council meeting.

With regard to the status of the former YMCA building, the City Manager advised that when the building is turned over to the City within the next 30 - 45 days, input by Council will be needed on whether the building should be placed on the market for sale, or whether the building should be kept on the site in order to market the potential for future development, or whether the building should be

demolished; when the building is transferred to ownership by the City, the City or the purchaser will be responsible for demolition costs; and an underground storage tank was removed and other environmentally sensitive issues relative to the building have been addressed.

The City Manager further advised that the Campbell Avenue parking garage should be constructed first; to accommodate the new YMCA and others, a City owned lot on Church Avenue has been leased to the YMCA and a second entrance has been constructed to the facility so that when the parking garage is constructed, visitors may enter the building on the second floor, or through the rear door. She stated that it has been reported that a developer has purchased the former Harris Office Furniture building, which is located immediately adjacent to the area where the City plans to construct the parking garage on Campbell Avenue, for the purpose of developing 15 condominium units and one of the reasons stated by the developer that the site was selected was due to the proposed location of the new parking garage.

Following further discussion, it was the consensus of Council that the briefing would be continued until the next regular meeting of Council on Monday, January 3, 2005. The Council requested a written report on the status of Campbell Avenue parking and copy of the 2001 and 2002 parking studies. Other topics for possible discussion include a review of information prepared by the Executive Director of Downtown Roanoke, Inc., identifying locations of all downtown living units, additional property needs by the City in the downtown area, and an update on the status of relocating the Social Security Administration building.

With regard to the two parking studies, the Mayor suggested that Council Members Lea, Wishneff and McDaniel be briefed by City staff prior to the January 3 Council meeting, and a decision could then be made as to whether additional Council briefings are in order.

At 3:45 p.m., the Council convened in Closed Session.

At 5:35 p.m., the Council Meeting reconvened in the City Council Chamber, with all members of the Council in attendance, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Fitzpatrick moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-COMMUNITY PLANNING: The Mayor advised that the four year terms of office of Robert B. Manetta, Richard A. Rife, Paula L. Prince and Fredrick M. Williams as members of the City Planning Commission will expire on December 31, 2004. He advised that the following persons were interviewed by the Council for the vacancies:

John Fulton
Wendy Jones
Robert B. Manetta
Paula L. Price and
Fredrick M. Williams

The Mayor requested that Council Members cast their votes for no more than four persons each.

FOR MS. PRINCE: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

FOR MR. MANETTA: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

FOR MR. RIFE: Council Members McDaniel, Cutler, Dowe, Fitzpatrick and Mayor Harris-----5.

FOR MR. WILLIAMS: Council Members McDaniel, Cutler, Dowe and Fitzpatrick-----4.

FOR MS. JONES: Council Members Lea, Wishneff and Mayor Harris-----3.

FOR MR. FULTON: Council Members Lea and Wishneff-----2.

The Mayor advised that Ms. Prince, Mr. Manetta, Mr. Rife and Mr. Williams were reappointed as members of the City Planning Commission, for terms of three years each, commencing January 1, 2005 and ending December 31, 2008.

Council Member Wishneff requested that the record reflect that he did not vote for two of the current members of the City Planning Commission because certain persons in the community have expressed concern with regard to the manner in which they have been received by the City Planning Commission and the unrealistic thought process of some Planning Commission members. He expressed concern that the perspective of some members of the City Planning Commission could affect the ability of the City of Roanoke to attract new investment to the community.

OATHS OF OFFICE-HUMAN DEVELOPMENT-COMMITTEES-DISABLED PERSONS: The Mayor advised that the three year term of office of Carol D. Tuning as a member of the Fifth Planning District Disability Services Board will expire on January 31, 2005; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Cutler placed in nomination the name of Carol D. Tuning.

There being no further nominations, Ms. Tuning was reappointed as a member of the Fifth Planning District Disability Services Board, for a term ending January 31, 2006, by the following vote:

FOR MS. TUNING: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

At 5:45 p.m., the Mayor declared the Council meeting in recess until 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday, December 20, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney, Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Mayor Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PUBLIC HEARINGS:

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, December 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Bland A. Painter, III, Betty J. Painter and FR-1 Investments, LLC, that property located on Franklin Road and Wonju Street, S. W., identified as Official Tax Nos. 1272507, 1150108, 1272504, 1272505, 1150103, 1150102, 1150104, 1150112, 1150106, and 1150109, a portion of Norfolk

Southern right-of-way, and a portion of right-of-way owned by the Commonwealth of Virginia, be rezoned from C-2, General Commercial District, and LM, Light Manufacturing District, to INPUD, Institutional Planned Unit Development District, such rezoning to be subject to certain conditions proffered by the petitioners, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday December 3, 2004 and Friday, December 10, 2004.

The City Planning Commission submitted a written report advising that the petitioner proffers the following:

1. The one billboard located on the property shall be removed prior to final approval of a comprehensive site plan affecting the property on which the billboard is located.
2. The design of all buildings constructed on the property shall be architecturally integrated and compatible through the use of common materials and style.
3. Should the parcels which comprise the property be combined or subdivided, the proffered conditions shall bind each subdivided or re-combined parcels, as applicable.
4. Building facades facing Franklin Road shall be designed to resemble the architecture of, and incorporate elements found in the rest of the project; architectural interest will carry through to prevent the appearance of a blank wall; facades shall be articulated with one or more of the following elements: window display boxes visible to vehicles and pedestrians along Franklin Road, awnings and canopies, blade signs (i.e. signage perpendicular to the building façade to which it is attached) for tenant identification so long as such blade signage is ten square feet or less, architectural lighting, landscaping, etc.
5. Average foot candle illumination levels for parking areas and drives shall not exceed eight foot candles as measured and determined by the Zoning Administrator.

The City Planning Commission recommended that Council approve the request for rezoning.

Mary F. Goodlatte, Attorney, representing the petitioners, appeared before Council in support of the request.

Mr. Fitzpatrick offered the following ordinance:

(#36925-122004) AN ORDINANCE to amend '36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet Nos. 115 and 127, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 221.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36925-122004. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing; whereupon, the following persons addressed Council.

Ms. Barbara N. Duerk, 2607 Rosalind Avenue, S. W., whose property is adjacent to the proposed development, advised that she has relied on City Council as elected officials and on Council's appointees to the City's authorities, boards and commissions to uphold the City's Comprehensive Plan and other tools that are used for guiding the direction of the City of Roanoke. Therefore, she asked that Council review the proposed building design to ensure conformance with the City's Comprehensive Plan; i.e.: tree coverage, setback, parking, etc. She expressed concern with regard to flooding and measures to be taken by the developer to prevent flooding as it relates to the proposed project and to her adjoining property. She stated that the City Planning Commission voted 5 - 2 in favor of the request for rezoning; Planning Commission members voiced numerous concerns with regard to the proposed development that, due to time constraints, were not answered, therefore, she requested that Council ensure that all questions are satisfactorily addressed. She added that citizens are in favor of economic development, the proposed project will include a drug store and a grocery store, it has been reported that a new grocery store will open in Towers Mall, and drug stores currently exist in the area. Therefore, she questioned whether drug stores and grocery stores will create economic development for the City.

Everett Ward, 5135 Crossbow Circle, Roanoke County, owner of Tinnell's Finer Foods located on Crystal Spring Avenue, S. W., requested that the developer's economic studies for increased revenues to the City of Roanoke be made public so that taxpayers and long term businesses may comment on the statistics. He expressed concern with regard to loss of revenue for existing businesses and advised that with smaller profit margins, Roanoker's will see changes in their neighborhood centers and in their neighborhoods overall. He stated that small retailers live by small profit margins and large personal debt, and a small decrease in business and bottom line revenue could result in financial consequences that the City has not added into its calculations. He added that any decrease in revenue could result in difficulty with regard to identifying the necessary capital for improvements, as well as severed relationships with suppliers who choose to discontinue business if orders decrease. He stated that long term existing retailers may decide that the long hours and lower pay are not

worth the effort, especially when the City does not offer similar tax incentives for improvements, but provides rebates or incentives only to certain developers as a way to encourage large external retailers to locate in the City of Roanoke. He advised that the proposed tax incentives are a taxpayer funded barrier to free trade; and requested a full disclosure of facts and agreements as they pertain to the proposed development.

Frank Smith, 3021 Rosalind Avenue, S. W., President of Neighbors in South Roanoke, expressed concern that there has not been adequate time for public comment and full disclosure of the facts regarding the proposed development. He called attention to the importance of understanding the procedure and how decisions are made by the City; and citizens have requested that they be given the opportunity for a fair hearing and that they be a part of the discussion in order to form good neighborhood bonds with City Council. He stated that it is also a matter of concern that in order to understand and to obtain information concerning City administrative proceedings, it has become necessary for citizens to file Freedom of Information Act requests with the City.

Mr. Robert Gravely, 727 29th Street, N. W., expressed concern with regard to certain incentives offered by the City to encourage businesses to locate in the City of Roanoke; the loss of the City's population base, with young people exiting the City every day; inadequate wages for City employees; and the average person living in the City of Roanoke cannot afford to purchase a house.

There being no further speakers, the Mayor declared the public hearing closed.

Council discussion/questions:

Maryellen F. Goodlatte, Attorney, representing the petitioners, advised that questions have arisen with regard to whether there has been proper notification of property owners/citizens of the proposed rezoning. She stated that the process which has been followed in the rezoning currently before the Council is the same process that is followed whenever property is rezoned in the City; i.e.: adjoining property owners are notified, the appropriate neighborhood association is notified, the City's web site provides additional information, a notice of public hearing is published in *The Roanoke Times*, and the City Planning Commission holds a public hearing at which time the public is given the opportunity to comment; therefore, the same process has been followed in this instance as is followed in all other requests for rezoning. She noted that at the beginning of any rezoning process, City staff determines if a proposed project is in conformance with the City's Comprehensive Plan, and it is not unusual for Planning staff to point out any instances where a project does not conform to the City's Comprehensive Plan, however, in this instance, City staff noted no such areas of nonconformance and instead referenced six specific sections of compliance with the City's Comprehensive Plan. If the proposed rezoning is approved by Council,

she pointed out that other permits are required to be issued and City staff will have the opportunity to review final plans; and in this instance, regulatory agencies such as the U. S. Army Corps of Engineers, the Federal Emergency Management Agency (FEMA) and the Department of Environmental Quality (DEQ) will also be involved in the approval process.

Question was raised with regard to parking; whereupon, Ms. Goodlatte advised that parking issues are in compliance with the City's Comprehensive Plan in that parking will be minimized due to the structured parking that the site affords; and parking will be underground in a parking garage, as well as on premises, in order to allow for more dense development. She stated that the proposed rezoning classification is Institutional Planned Unit Development which provides for architecture and placement that is encouraged by the Comprehensive Plan, but is not permitted under the current C-2 zoning classification, and INPUD zoning places numerous up front requirements on the developer involving a considerable amount of engineering design, with plans to be reviewed and closely monitored by City staff.

Another question was raised with regard to why the petitioners declined to provide a 15 per cent tree canopy on the parking lot as requested by the City Planning Commission. Ms. Goodlatte advised that a 15 per cent tree canopy is, in fact, the goal of the petitioners, but the petitioners could not proffer 15 per cent because it might create certain challenges as development of the site is maximized. She indicated that City staff was supportive of the plan which provides for not only street trees, but interior parking areas that will be landscaped, rather than a mandatory tree canopy percentage.

Question was raised with regard to the level of interaction with the neighborhood, or the neighborhood organization; whereupon, Ms. Goodlatte advised that at the outset of any request for rezoning, City staff notifies the appropriate neighborhood association and adjoining property owners. She stated that at the time that the rezoning was before Council approximately two years ago, when a smaller and different project was under consideration, there were significant neighborhood meetings, outreach and discussion; at this point, the concept of a commercial development at the corner of Wonju Street and Franklin Road has been well received by the neighborhood, and recent issues tend to focus more on the economics of the project rather than on the merits of the zoning. She reiterated that property owners have been afforded the opportunity to discuss the project with City staff, Members of Council and Members of the City Planning Commission.

Ms. Goodlatte was requested to address the issue of storm water management and to summarize how the developer plans to address the increasing volume of water from Ore Branch, from the standpoint of quantity in times of flooding and pollution from water runoff.

Ms. Goodlatte responded that as previously indicated, a number of agencies such as DEQ, FEMA and the U. S. Army Corps of Engineers must approve the relocation of Ore Branch because the property is located in a flood plain, and the developer has been working with these agencies and with the City for some time to address the relocation of Ore Branch. She called upon Bland Painter, who addressed the dimensions of a proposed culvert that will be approximately ten feet high and 36 feet wide which conveys the water coming from up stream through the site, another plan that addresses the rate and velocity of water runoff, and several bioretention and bioinfiltration measures that are proposed and require approval by the City.

Another question was raised with regard to the construction schedule; whereupon, Ms. Goodlatte advised that Walgreens will be constructed first, Ukrops anticipates a Fall of 2005 opening and the developer is working diligently to develop the remainder of the site as quickly as possible.

There being no further discussion by Council, Ordinance No. 36925-122004 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris: -----7.

NAYS: None: -----0.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, December 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Carilion Medical Center, CHS, Inc., and B & B Holdings that property located on Reserve Avenue, Franklin Road, and Jefferson Street, S. W., identified as Official Tax Nos. 1032203, 1032209, 1032208, 1032207, 1032106, 1032105, 1032104, 1032103, 1032102, 1032101, 1032006, 1032005, 1032002, 1032001, 1032201, and 1031902, be rezoned from HM, Heavy Manufacturing District, and C-1, Office District, to INPUD, Institutional Planned Unit Development District, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, December 3, 2004 and Friday, December 10, 2004.

A report of the City Planning Commission advising that the petitioner has requested the rezoning of 16 parcels of land containing approximately 22.15 acres to INPUD, Institutional Planned Unit Development District, for the purpose of developing a bio-medical research park, was before Council.

The Planning Commission recommended that Council approve the request for rezoning advising that Institutional Planned Unit Development District, INPUD, is an appropriate application of the district given the mix of uses and size of the proposed development and the petition for rezoning is consistent with many design principles and policies as set forth in *Vision 2001-2020*, the City's Comprehensive Plan.

Mr. Dowe offered the following ordinance:

(#36926-122004) AN ORDINANCE to amend ' 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 103, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to the Institutional Development Plan, entitled Riverside Corporate Centre, dated October 5, 2004, revised November 11 and November 24, 2004, and certain conditions proffered by the applicants; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 223.)

Mr. Dowe moved the adoption of Ordinance No. 36926-122004. The motion was seconded by Mr. Fitzpatrick.

Robert B. Manetta, spokesperson representing the petitioners, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

Council discussion/questions:

Mr. Manetta was requested to explain how the floodplain issue will be addressed; whereupon, he stated that there will be some raising of the level of the development to the ten year floodplain; parking will be provided on the first floor, of the building so that when approaching the building there will be no occupancy on what would normally be considered the first floor, which takes the building out of the flood plain.

Question was raised with regard to the status of construction; whereupon, Curtis Mills, Vice President, Carilion Health Systems, advised that it is anticipated that one of the buildings will be completed by the Spring of 2005, with a goal to have the second building under construction. He advised that the building housing the laboratory will be constructed in two stages, i.e.: two stories initially, followed by a design plan to be approved by the Roanoke Redevelopment and Housing Authority for future development, and the commercial office building will be four stories above parking on the ground floor; it is believed that building design is neighborhood friendly; sidewalks will extend from the public sidewalk to the campus between each building; the former Moores building will be used on a temporary basis during the construction project at Carilion Roanoke Memorial Hospital in order to relocate the information services function from the Kimball Avenue location, and it is envisioned that the Moores building will be demolished in approximately three years, at or around the same time as demolition of the mill structure.

Mr. Manetta called attention to discussion with regard to installation of infrastructure along Jefferson Street within the park so that when the cement company vacates the premises something visible will be in place.

There being no further discussion, Ordinance No. 36926-122004 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

CITY PROPERTY-HOUSING/AUTHORITY: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, December 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposal of the City of Roanoke to convey approximately 23.742 acres, more or less, of City-owned property fronting on Colonial Avenue, S. W., identified as Official Tax No. 1570101, subject to certain terms and conditions as contained in a contract proposed to be entered into by the City of Roanoke and Colonial Green, L.C., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, December 13, 2004.

A communication from the City Manager advising that the City and Colonial Green, L. C., (originally Colonial Partners, LLC) the developer previously selected through a Request for Proposals for development of approximately a 23 acre City-owned property located on Colonial Avenue, have completed negotiation of a land disposition and development agreement; and the agreement provides for the phased disposition and physical development of the site in a manner consistent with provisions of the City's Request for Proposals for creation of a mixed density traditional neighborhood design and layout.

It was further advised that the proposed development, which will require the approval of a rezoning petition to rezone the property from RS-2, Single Family Residential District, to RPUD, Residential Planned Unit Development District, is proposed to be comprised of approximately 28 single family, 61 townhouse, and 90 multi-family dwelling units; the site will also contain an additional 42,000 square feet of residential, live-work, and commercial space, contained in a mixed-use structure located along Colonial Avenue frontage; and development of the project will be subject to an approved RPUD development plan and general site and architectural design guidelines contained in the Development Pattern Book, which will be a proffered condition of the rezoning request.

It was explained that the developer will be responsible for provision of all public improvements for development, including construction and dedication of public rights-of-way, water and sewer utility infrastructure, storm water infrastructure, open spaces, and landscaping; the developer will be responsible for provision of private infrastructure, including natural gas, electric, cable television and telephone service facilities; the developer will also construct a distinctive gateway entrance into the development from Colonial Avenue and will share in the

cost of any required future signalization at the entrance with Colonial Avenue up to \$50,000.00; all public improvements on the site will be subject to requirements of the City's Subdivision Ordinance, including all applicable surety amounts; total amount of the developer's investment for the project is estimated at slightly over \$49 million; and it is estimated that at build out, the development would generate over \$700,000.00 in real estate tax revenue annually to the City.

The City Manager advised that the agreement provides for the approximately 23.7 acre property, currently assessed at approximately \$2.6 million, to be conveyed to the developer in three phases for normal monetary consideration, in exchange for the developer agreeing to develop the site as a traditional neighborhood community consistent with the City's Vision 2001-2020 Comprehensive Plan, and providing all required site development infrastructure; the agreement provides that conveyance to the developer at each phase will be triggered by a specific level of completion of either infrastructure or dwelling units in the preceding phase; each phase provides for a similar number of various dwelling unit types to be constructed, so that at any given time during development of the project, a full variety of housing types will be available to market; the agreement contemplates that development would be completed within seven years from the date of initiation; the proposed agreement confirms the remaining term of an existing lease of a portion of the property to New Vista Montessori School; and the lease agreement for that portion of the site will remain in effect until August 31, 2005.

The City Manager recommended that she be authorized to execute the development agreement on behalf of the City of Roanoke.

Mr. Cutler offered the following ordinance:

(#36927-122004) AN ORDINANCE authorizing the City Manager to enter into a land disposition and development agreement between the City of Roanoke and Colonial Green, L.C., to provide for the conveyance, in phases, of approximately 23 acres of City property on Colonial Avenue, S. W., to Colonial Green, L.C., the developer, in exchange for the development and creation of a mixed density traditional neighborhood community design and layout consistent with the City's Vision 2001 - 2020 Comprehensive Plan, and furnishing all required site development infrastructure for the project, upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 69, Page 224.)

Mr. Cutler moved the adoption of Ordinance No. 36927-122004. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing; whereupon, the following persons addressed Council.

Elizabeth Cranwell, 1911 Mountain View Road, Vinton, Virginia, President, Board of Directors, New Vista Montessori School, spoke with regard to the impact of the proposed Colonial Green, development on the Montessori school.

As background, Ms. Cranwell advised that:

- The New Vista Montessori School, located at 3379 Colonial Avenue, S. W., was founded in September 2001 by a group of parents and teachers following closing of the Roanoke Montessori School.
- The Roanoke Montessori School was previously known as the Shedd School.
- Several decades ago, the City of Roanoke partnered with founders of the Shedd School and allowed construction of the school on City property; the land was rented to the Shedd School and the agreement stipulated that when the non profit organization operating the Shedd School, which later became the Roanoke Montessori School dissolved, the school building would become the property of the City of Roanoke.
- When New Vista Montessori School was established, officials approached the City with a request to lease the school building, which was approved by a five year lease, renewable on a yearly basis until August 31, 2005.

Ms. Cranwell advised that since the opening of New Vista Montessori School in September 2001, more than 150 children, ranging in age from three to nine, have been educated, some of whom attend the school on a partial need scholarship. She explained that the educational method at New Vista is a hands on learning approach that allows children the freedom to choose their work in a well organized environment; the school provides a system of education that enables the child to achieve as much as he or she is capable of, while respecting the individual abilities of each child; and the Montessori approach instills a sense of community and responsibility to others.

She stated that when New Vista was organized, the goal was to have teachers certified both as educators and as Montessori teachers and that New Vista would become accredited by the American Montessori Society; and today, three of New Vista's four teachers are both certified elementary teachers and certified Montessori instructors, with the fourth teacher to receive her Masters Degree in education in the Spring of 2005 and complete her Montessori training by the end of the Summer of 2005; and New Vista is the only school in the Roanoke Valley that is American Montessori Society affiliated, which is the first step toward accreditation.

Ms. Cranwell advised that it is a well known fact that the marketability of a region is greatly enhanced by the choices that the community has to offer, whether they be in housing, jobs, cultural activities, retail or educational opportunities; however, it should be noted that the proposed Colonial Avenue development threatens the future of New Vista Montessori School. She added that knowing of the City's desire to develop the property, representatives of New Vista have, for several years, looked for another suitable location; however, as a nonprofit school with limited resources, the majority of options have been cost prohibitive; and officials of the school will continue to look and to strategize in an effort to save the New Vista Montessori School and to ensure this educational opportunity for future generations of Roanoke's children.

In closing, Ms. Cranwell emphasized that she did not appear before Council in protest of the proposed development on Colonial Avenue, but to advise that it is hoped that the City will continue to work with officials of New Vista Montessori School in its efforts to find another location.

Mr. Gary Bowman, 3580 Wright Road, S. W., referred to traffic studies that were conducted by the City in 1989-90 to initiate traffic calming measures on Rosewood Avenue, Creston Avenue and Wright Road, S. W., which is a connection between Brambleton Avenue and Colonial Avenue. Until recently, he advised that residents of the area were not aware of the proposed Colonial Avenue development or the public hearing; therefore, he requested that Council require a second reading of the ordinance authorizing conveyance of the land to Colonial Green, L.C., and/or conduct another public hearing at a later date which will afford citizens more time to collect information about the proposed development and to provide input with regard to both the proposed conveyance of land by the City and development of the property.

There being no further speakers, the Mayor declared the public hearing closed.

Council discussion/questions:

Question was raised as to what extent the City of Roanoke can be of assistance to the New Vista Montessori school in its efforts to identify another location; whereupon, the City Manager advised that the City has worked with the Montessori school since the property was first referenced in a Request for Proposals by signaling to the school that at some point in the future the City would dispose of the property. She stated that alternative locations have been offered; and some time ago, Council authorized the offering of the building to New Vista in the event that an alternate location could be found where it would be feasible to move the building. She called attention to discussions with regard to relocating to a site adjacent to one of the City's downtown churches that was previously used for a child care activity; the City's Department of Economic Development has remained in contact with New Vista Montessori school officials, and the City will continue to work with representatives of the school to identify other sites.

David Hill, representing Hill Studio, architect for the Colonial Green project, was requested to address plans for storm water management; whereupon, he responded that approximately two acres of the site will be sculpted in such a way that will cause storm water to drain into a series of small ponds that will allow the water to soak into the soil around the site. He stated that two other techniques will be used to address storm water in an innovative way.

Vice-Mayor Fitzpatrick responded to Mr. Bowman's concerns/request by advising that the City, as a property owner, must complete the rezoning process before there can be a project; however, he stated that there will be future opportunities for public input; i.e.: before the City Planning Commission and the City Council. Like the Ukrop's project on Wonju Street and Franklin Road, he stated that the Colonial Green project represents another opportunity and responsibility on the part of the City to ensure that limited land in the City of Roanoke is properly developed, while keeping in mind that persons living in the area should have a clear understanding of the project before any action is taken by the City Planning Commission or by the City Council.

Upon question by a Member of Council as to whether officials of New Vista Montessori School are of the opinion that the City is doing all that it can to help the school in its efforts to find another location, Ms. Cranwell advised that constructing a new building on a parcel of land that could be donated to the school would cost in the range of \$600,000.00 and is not affordable to New Vista at this time; and officials of New Vista have been advised by a contractor that the only portions of the present building that are salvageable are the heating and air conditioning systems. She noted that school officials are investigating other options that they would like to present to Council after January 1, 2005.

There was discussion with regard to the time frame that the New Vista Montessori school would be required to vacate the premises in which it was noted that it would be at the discretion of the developer; and there have been discussions between the developer and representatives of New Vista Montessori School as to the date that the site would be needed by the developer.

There being no further discussion, Ordinance No. 36927-122004 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

CITY PROPERTY-COMMONWEALTH OF VIRGINIA BUILDING: Pursuant to action taken by the Council, the City Clerk having advertised a public hearing for Monday, December 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposal of the City of Roanoke to extend the lease of a portion of City-owned property known as the Commonwealth Building, located at 210 Church Avenue, S. W., to the United States Government, General Services Administration, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, December 13, 2004.

The City Manager submitted a communication advising that the United States General Services Administration (GSA) currently leases space within the Commonwealth Building; GSA uses the second floor of the building for the Federal Bankruptcy Court and its affiliate offices; the current lease expired on October 31, 2004; the original agreement provides the GSA with an option to continue the agreement on a month-to-month basis (not to exceed an additional 90 day period), which the GSA is currently exercising; the GSA desires to continue its lease of the second floor and to begin leasing an office suite on the first floor as well; and the GSA wishes to extend the current agreement to allow time to complete the necessary improvements to the first and second floors.

It was further advised that the month-to-month option on the current agreement does not provide sufficient time to complete improvements; therefore, an extension of the current lease agreement is proposed to extend through December 31, 2004; and with the 90 day maximum option provision which would commence on January 1, 2005, the GSA would have use of the space under the current lease agreement until March 31, 2005, if necessary, pending completion of ongoing improvements on the first floor and finalization of a new lease agreement.

It was explained that currently, the GSA leases 12,413 square feet on the second floor of the Commonwealth Building; current lease rate is \$6.50 per square foot, plus \$4.07 per square foot for operating costs; and the agreement requires an annual increase of operating costs based on the Consumer Price Index 1982 - 1984 = 100; and current total annual rent is \$131,290.08.

The City Manager recommended that she be authorized to offer and to execute an extension of the existing lease agreement between the City of Roanoke and the GSA through December 31, 2004, to allow sufficient time for renovation of the first floor office suite and completion of the new lease agreement, with all documents to be approved as to form by the City Attorney.

Mr. Fitzpatrick offered the following ordinance:

(#36928-122004) AN ORDINANCE authorizing the City Manager to execute an amendment to the Lease Agreement between the City of Roanoke and the United States General Services Administration for office space in the Commonwealth Building, located at 210 Church Avenue, to extend the expiration date of the current lease agreement from October 31, 2004, to December 31, 2004, with an option to lease such space on a month-to-month basis not to exceed ninety (90) days, upon expiration of the lease agreement, upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 225.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36928-122004. The motion was seconded by Mr. Lea.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 36928-122004 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----7.

NAYS: None-----0.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

SEWERS AND STORM DRAINS: Mr. Chris Craft, 1501 East Gate Avenue, N. E., advised that a considerable amount of money will be spent for development in the Colonial Avenue and Wonju Street/Franklin Road area; however, there are other areas of the City, such as East Gate, that are in need of improvements. He referred specifically to Yeager Avenue, N. E., and the need for water and sewer connection which would cause the area to be more attractive for the development of housing.

He commended Council on its leadership during the past year and asked that Council give serious consideration to proposed objectives for the City of Roanoke in the year 2005, including the renovation of Victory Stadium.

MISCELLANEOUS: Mr. Robert Gravely, 727 29th Street, N. W., quoted Bible scripture.

There being no further business, the Mayor declared the meeting adjourned at 8:30 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

C. Nelson Harris
Mayor

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
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CityWeb: www.roanokegov.com

February 7, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Conveyance of Easement to
Appalachian Power Company
at Roanoke Civic Center

Pursuant to the requirements of the Virginia Code, the City of Roanoke is required to hold a public hearing on the proposed conveyance of property rights. This is to request that a public hearing be advertised on the above matter for Council's regular meeting to be held on Tuesday, February 22, 2005. A full report will be included in the February 22, 2005, agenda material for your consideration.

Respectfully submitted,


Darlene L. Burcham
City Manager

DLB/SEF

c: William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Jesse A. Hall, Director of Finance
Sarah E. Fitton, Engineering Coordinator



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February 7, 2005

Honorable C. Nelson Harris, Mayor
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Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

**Subject: Request for Public
Hearing to Consider
Renewing Lease on
Alexander-Gish House**

Background:

The original lease of the Alexander-Gish House at 641 Walnut Avenue by Old Southwest Neighborhood Alliance, was authorized with Ordinance No. 24929 on December 10, 1979. On May 11, 1981, the lease assignment transfer to Old Southwest Neighborhood Foundation, Incorporated was approved by the City Manager. Old Southwest, Incorporated has resided at this location since December 10, 1979.

Considerations:

The lease above expired December 31, 2004 with no provision for automatic renewal. Old Southwest, Inc. has requested a new lease agreement with similar terms and conditions. The previous lease had a five (5) year term at an annual lease rate of \$1.00.

Honorable Mayor and Members of Council
February 7, 2005
Page 2

Recommended Action:

Authorize the City Clerk to schedule and advertise a public hearing on leasing the Alexander-Gish House at 641 Walnut Avenue to Old Southwest, Incorporated for March 21, 2005.

Respectfully submitted,

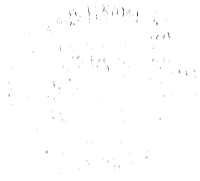
A handwritten signature in black ink, appearing to read "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:jcm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Dana Long, Manager of Billings and Collections
Brian Townsend, Acting Director of Economic Development
Sherman Stovall, Director of Management and Budget
David Collins, Assistant City Attorney

CM5-00011



**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

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February 7, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of Council:

Subject: Adoption of Calendar of
Events for Budget
Preparation Activities for
FY 2005-2006

Background:

Members of City Council previously received a draft copy of the Calendar of Events for Budget Preparation Activities for FY 2005-2006 for their review and comment. No objections to the calendar were received.

Recommended Actions:

Approve by motion the attached Calendar of Events for Budget Preparation Activities for FY 2005-2006.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:vst

Honorable Mayor and Members of Council
June 16, 2003
Page 2

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Director of Management and Budget

CM05-00012

**COUNCIL CALENDAR OF EVENTS
FOR BUDGET PREPARATION ACTIVITIES
FISCAL YEAR 2005 - 2006**

<u>Date</u>	<u>Budget Preparation Activities</u>
April 11-15, 2005	City Manager briefs City Council on Recommended budget.
April 14, 2005	Recommended budget document delivered to City Council members.
April 18, 2005	Recommended budget presented to City Council at regularly scheduled meeting; meeting continued to April 28.
April 19, 2005	Advertisements of public hearings on recommended budget and tax rates appear in newspapers.
	<u>Note:</u> State Code requires the advertisement of the real property tax rate for the fiscal year.
April 28, 2005	Public hearings on recommended budget and tax rates at <u>7:00 p.m.</u>
May 4, and 5, 2005	Budget Study – <u>8:30 a.m. – 5:00 p.m.</u> (continuation of May 2 meeting).
May 10, 2005	City Council adopts General Fund, School Fund, Proprietary Fund budgets and an Update to the HUD Consolidated Plan and approves an annual appropriation ordinance at 2:00 p.m. (continuation of May 2 meeting).



Architectural Review Board
Board of Zoning Appeals
Planning Commission

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

January 18, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: 2004 Annual Report
Planning Commission

I am pleased to provide Council with the following information on the Commission's activities and attendance last year, as well as a brief overview of the major work projects we hope to undertake during 2005.

Last year the Commission officially met 23 times to consider the following items:

- ✓ 22 requests to rezone property or amend proffered conditions
- ✓ 7 street and/or alley closure requests
- ✓ 1 amendment to the City's zoning ordinance (references to Western Virginia Water Authority)
- ✓ 7 amendments to the Comprehensive Plan (Gilmer Neighborhood Plan, Williamson Road Neighborhood Plan, Riverland Walnut Hill Neighborhood Plan, Franklin/Colonial Avenue Corridor Plan, Fairland/Villa Heights Neighborhood Plan, Grandin Court Neighborhood Plan, Wireless Telecommunications Facilities)
- ✓ Briefings on Housing Strategic Plan, Solid Waste Management Plan, Carilion Biomedical plans, Colonial Green development

The major work effort of the Commission and staff last year centered on the review and adoption of neighborhood plans, the development of a new zoning ordinance and accompanying mapping for the City of Roanoke, as well as various major rezoning requests. It is anticipated that the following neighborhood plans will be initiated and approved during 2005: Hollins/Wildwood Neighborhood Plan, Garden City, and South Peters Creek. We will also initiate updates of the South Roanoke and Greater Deyerle plans, both of which are nearly 15 years old.

The Commission's major goal for 2005 stays the same - the adoption of a new Zoning Ordinance and accompanying mapping, which was last revised in 1987. As of the writing of this report, the draft ordinance is in the public discussion phase, and is anticipated to be considered by the Commission in the spring.

In addition to completing the Zoning Ordinance, the Commission will continue to monitor progress in implementing the initiatives and strategies set forth in *Vision 2001-2020*. Commission members also began regular monthly work sessions during calendar year 2004. During these two hour sessions Commission members are briefed on a number of planning-related issues ranging from proposed new developments within the City to solid waste management to highway projects. The work sessions are then followed by an hour-long tour of the upcoming rezoning sites for the following month.

Staff has initiated and is working to develop an annual "report card" on neighborhood plan implementation activities. This report will be the neighborhood-level version of the *Vision 2001-2020* Implementation Update, which the Planning Commission has presented to City Council over the past two years.

In 2005, staff will complete work on the Neighborhood Indicators project that was recommended in *Vision 2001-2020*. This extensive project involves collecting and presenting key data on health and stability at the neighborhood level. This data will establish baseline information about Roanoke's neighborhoods that can be used for ongoing monitoring and assessment.

A roster of meeting attendance and the status of certifications of Commission members is attached to this report for your information.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert B. Manetta". The signature is written in a cursive style with a stylized "M" and a small flourish at the end.

Robert B. Manetta, Chairman
City of Roanoke Planning Commission

/mpf
attachment

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk

MEETING ATTENDANCE/CERTIFICATION

**A total of 11 regular meetings, 11 work sessions and
1 joint Commission/Council meetings were held during 2004.**

<u>Commission Member</u>	<u>No. of Regular Meetings Attended</u>
Gilbert Butler (Certified)	11
Kent Chrisman (Certified)	11
Robert Manetta (Certified)	11
Paula Prince (Certified)	11
Richard Rife	10 of 11
Henry Scholz (Certified)	11
Fredrick Williams (Certified)	11

January 26, 2005

Roanoke City Clerk
215 Church Avenue S W
Room 456
Roanoke, Virginia 24011

To Whom It May Concern:

I would like this letter to serve as a notice that I am resigning from the Board of Fireman Appeal effective upon receiving this letter.

Sincerely,

A handwritten signature in cursive script that reads "Bobby Lavender".

Bobby Lavender



**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

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CityWeb: www.roanokegov.com

February 7, 2005

The Honorable Mayor
and Members of City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor a request from Neal Barber, Executive Director of Virginia First Cities Coalition, to present to Council an update of the activities of Virginia First Cities.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
Director of Finance
City Clerk



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February 7, 2005

The Honorable Mayor
and Members of City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor a request from Phil Sparks, Executive Director of Roanoke Valley Economic Development Partnership, to present to Council an annual report of Economic Development Activity.

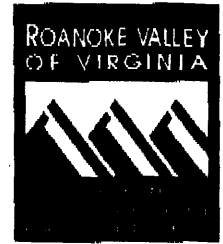
Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
Director of Finance
City Clerk



February 2, 2005

Ms. Darlene L. Burcham
City Manager
City of Roanoke
215 Church Ave., Room 364
Roanoke, VA 24011

Dear Darlene:

In appreciation of the support City of Roanoke provides, the Roanoke Valley Economic Development Partnership would like the opportunity to present to your City Council our Report of Economic Development Activity.

The Partnership has made this annual report for several years to your City Council. Please place Phil Sparks on the agenda of the February 7, 2005 meeting.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Sparks", written over a horizontal line.

Phillip F. Sparks
Executive Director





CITY OF ROANOKE OFFICE OF THE CITY MANAGER

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February 7, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable Dr. M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Transportation Resolution

Background:

In response to declining transportation funding at the State level, the Virginia Municipal League adopted the following policy statement at its 2004 annual meeting:

"VML calls upon the governor and the General Assembly to make transportation a primary focus of the 2005 General Assembly session. Given the failure of the General Assembly to address this issue during the 2004 session and the consequent decline in transportation funding, the Commonwealth is experiencing disinvestment in its transportation infrastructure. Absent a major infusion of new and sustained investment in transportation, Virginia faces a congestion and mobility crisis that will strangle economic growth and profoundly and negatively affect the quality of life of all residents." (Adopted October 5, 2004).

Recognizing the importance of transportation within the state and in support of this statement, a number of local governments have adopted resolutions to make known to the Governor and General Assembly their opinions on statewide transportation issues.

Considerations:

Given the improvements needed along the I-581 and Route 220 corridors within our city limits and with the number of urban projects included in VDOT's recent update of the Six-Year Improvement Plan, receipt of the funding allocated in the Plan is critical. Projects important for this City include improvements along Wonju Street in the vicinity of Towers Mall, improvements on 10th Street, and construction of a connection between Hollins Road and 13th Street. With statewide transportation needs estimated at more than \$200 billion over the next 20 years, the City of Roanoke should consider all steps necessary to ensure receipt of this funding.

In addition, while the direct financial benefits to the City may be unknown, the transportation industry and municipalities alike should strongly support an emphasis on transportation funding and innovative solutions to transportation concerns. Safe, efficient transportation has a far-reaching effect on many areas of our daily lives ranging from economic development, recreation, and quality of life to construction and all of the associated support activities.

Recommendation:

City Council adopt the accompanying resolution calling upon the Governor and the General Assembly to make transportation a primary focus of the 2005 Session of the General Assembly.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB/MDJ/gpe

Attachments

Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Robert K. Bengtson, P.E., Director of Public Works
Kenneth H. King Jr., P.E., Manager, Division of Transportation

CM05-00010

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION urging the Governor and the General Assembly to make transportation a primary focus of the 2005 Session of the General Assembly.

WHEREAS, the Council of the City of Roanoke has long supported the use of dedicated State funds for stable and long term solutions for transportation funding problems;

WHEREAS, the Commonwealth Transportation Board has documented that more than \$200 billion is needed to meet Virginia's transportation needs over the next 20 years;

WHEREAS, Virginia's Transportation Trust Fund (TTF) supports funding of the transportation modes of highways, rail and public transportation, aviation, and ports;

WHEREAS, the TTF has not had a significant infusion of dedicated funds since its establishment in 1986;

WHEREAS, the TTF consists of a dedicated portion of the State sales and use tax, the dedicated portions of the State tax on fuels, and other transportation related fees, including the DMV registration fee and the motor vehicle sales and use tax;

WHEREAS, the Council of the City of Roanoke recognizes that a healthy transportation program supported with dedicated funds protects core government services, including K-12 education and public safety, that rely on State general funds;

WHEREAS, as the State demonstrated with the enactment of the Virginia Transportation Act (VTA) in 2000, relying on State general funds to support transportation funding is akin to mortgaging a new home solely on high interest credit cards: the capital is costly, and the debt ultimately must be paid in another fashion;

WHEREAS, in the case of the VTA, the debt was transferred back to the TTF, thus increasing current transportation debt to fourteen percent of total transportation spending (as opposed to approximately one percent in 1989), and reducing the amount of funding available for construction;

WHEREAS, the Virginia Department of Transportation (VDOT) estimates that total transportation revenue growth will average only two percent for the next six years;

WHEREAS, State transportation revenue flowing to the primary, secondary, and urban systems will continue to decline to a critical point without an infusion of new dedicated funds;

WHEREAS, in fiscal year 2005, only 35 percent of VDOT's construction funding is allocated to the interstate, primary, secondary and urban systems, commonly referred to as systems construction, as compared to the 58 percent allocated to systems construction in 1989;

WHEREAS, systems construction will decrease on average by 6.7 percent during each of the next five years, with VDOT expected to spend \$792 million on systems construction in Fiscal Year 2005, but only \$560.3 million in Fiscal Year 2010;

WHEREAS, the reason for the precipitous drop-off in transportation dollars for construction since the early 1990s is due to several factors, including the increased cost of maintenance of an aging infrastructure, an increase in the number of highway users, and an increase in the funds required to pay off debt that was issued in the 1990s;

WHEREAS, the construction dollars that are available do not go as far as they once did because of the rise in construction costs;

WHEREAS, local officials across Virginia generally agree that additional state funding is required for transportation, including new and increased dedicated funds;

WHEREAS, local officials support funding solutions that are systemic and sustainable on a long term basis, as opposed to one-time transfers and short term infusions that only mask the funding problems;

WHEREAS, the Commonwealth is experiencing disinvestment in its transportation infrastructure. Absent a major infusion of new and sustained investment in transportation, Virginia faces a transportation crisis that will hinder economic growth and profoundly and negatively affect the quality of life of all residents; and

WHEREAS, the Metropolitan Planning Organization's Long-Range Transportation Plan for the City of Roanoke identifies transportation needs of nearly \$100 million over the next 20 years, and VDOT's current Six-Year Improvement Plan includes projects to improve 10th Street, improve Wonju Street, and to provide a connection between Hollins Road and 13th Street as well as to provide a number of projects such as signal and ITS Improvements, intersection and miscellaneous spot improvements, mobility and accessibility improvements and transit improvements that will provide significant localized benefits; all of which require a sustainable source of funding over an extended period of time.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Roanoke, Virginia, as follows:

1. The Council of the City of Roanoke calls upon the Governor and the General Assembly to make transportation a primary focus of the 2005 Session of the General Assembly, and strongly urges them to aggressively promote and fund public transit alternatives and to strive for equity in fundraising for transportation.

2. The City Clerk is directed to send attested copies of this resolution to the Honorable Mark Warner, Governor, the Honorable Whittington W. Clement, Chairman of the

Commonwealth Transportation Board, the Honorable John S. Edwards, Member, Senate of Virginia, the Honorable Onzlee Ware, Member, House of Delegates, and to the Honorable William Fralin, Member, House of Delegates.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
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February 7, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

**Subject: Adoption of Tax Exemption
 for Use of Certified Solar
 Energy Equipment**

Background:

Section 58.1-3661 of the Code of Virginia allows the governing body of any county, city, or town to adopt an ordinance to grant an exemption from taxation on certified solar energy equipment, facilities, or devices to owners of real estate to which said equipment, facilities, or devices is attached. In light of the C2C housing competition and the potential that a number of the houses planned for construction will incorporate renewable energy systems into their designs, it is appropriate that the City consider an ordinance that will allow an exemption for persons interested in operating solar energy equipment to heat or cool their real property. This will further signal Roanoke's commitment to preserving our environment by encouraging the use of alternative energy sources.

Considerations:

A brief summary of the major components of the program include the following:

- The amount of the exemption will be determined by applying the tax rate to the value of the certified solar equipment, facilities, or devices and subtracting that amount from the total real estate property tax due on the real property to which such equipment, facilities, or devices are attached, or

if such equipment, facilities, or devices are taxable as machinery and tools, from the total machinery and tool tax due on such equipment, facilities, or devices, at the election of the taxpayer. (State law requires that localities offer this election to taxpayers.)

- The exemption shall be effective for five years, and can apply to properties installing new solar equipment, facilities, or devices as well as to properties with existing solar equipment, facilities, or devices.
- The exemption will be administered by the Department of Planning, Building, and Development, the Department of Real Estate Valuation, the Commissioner of the Revenue's Office, and the City Treasurer's Office.

Recommended Action:

Adopt the attached ordinance amending Article II, Real Estate Taxes Generally, Chapter 32, Taxation, of the code of the City of Roanoke, (1979), by the addition of a new Division 8, Tax Exemption for Solar Energy Equipment, Facilities, and Devices, consisting of Sections 32-103.5 through 32-103.17.

Respectfully submitted,


Darlene L. Burcham
City Manager

DLB:rbI

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman Holland, Commissioner of the Revenue
Evelyn Powers, City Treasurer
Susan S. Lower, Director of Real Estate Valuation
R. Brian Townsend, Director of Planning, Building, and Development
John Elie, Director of Department of Technology

#CM05-00008

WMA

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending Article II, Real Estate Taxes Generally, Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended, by the addition of a new Division 8, Tax Exemption for Solar Energy Equipment, Facilities and Devices, consisting of §§32-103.5 through 32-103.17, in order to provide a tax exemption for equipment, facilities and devices designed and used primarily for the collection and use of incident solar energy for water heating, space heating, cooling or other application which would otherwise require a conventional source of energy; and dispensing with the second reading by title paragraph of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke, as follows:

1. Article II, Real Estate Taxes Generally, Chapter 32, Taxation, of the Code of the City of Roanoke (1979), is hereby amended by the addition of a new Division 8, Tax Exemption for Solar Energy Equipment, Facilities, and Devices, consisting of §§32-103.5 through 32-103.17 which shall read and provide as follows:

ARTICLE II. REAL ESTATE TAXES GENERALLY

* * *

***DIVISION 8.
TAX EXEMPTION FOR SOLAR ENERGY
EQUIPMENT, FACILITIES AND DEVICES.***

§32-103.5. Definitions.

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certified solar energy equipment, facilities or devices means any property, including real or personal property, equipment, facilities or devices, certified by the department of planning, building and development to be designed and used primarily for the purpose of providing for the collection and use of incident solar energy for water heating, space heating or cooling or other application which would otherwise require a conventional source of energy such as petroleum products, natural gas or electricity.

§32-103.6. *Granted.*

Certified solar equipment, facilities and devices are hereby declared to be a separate class of property and constitute a classification for city taxation separate from other classifications of real or personal property. Owners of real estate in the city to which is attached certified solar energy equipment, facilities or devices or owners of such equipment, facilities, or devices that are taxable as machinery are hereby granted an exemption from taxation on such certified solar energy equipment, facilities or devices, subject to the limitations and conditions prescribed by this division and by state law.

§32-103.7. *Administration.*

The exemption provided by this division shall be administered by the director of the department of planning, building and development, the director of real estate valuation, commissioner of revenue, and the treasurer. Such officials are hereby authorized and directed to adopt and enforce such reasonable rules and regulations, not in conflict with the provisions of this division, as may be reasonably necessary to determine the value of qualifying solar energy equipment, facilities or devices including, without limitation, requiring the production of documents and the furnishing of answers under oath.

§32-103.8. *Requirements.*

The exemption provided by this division shall be granted to applicants meeting the following requirements:

(1) The title to the property for which exemption is claimed is held, or partially held, by the person claiming the exemption.

(2) The department of planning, building and development has determined, after such solar energy equipment, facilities or devices have been installed and upon inspection thereof, that the subject property performs at least one of the functions set forth in §32-103.5 and that it has been installed in conformity with the Virginia Uniform Statewide Building Code and

conforms to the requirements set by the regulations of the State Board of Housing and Community Development.

§32-103.9 Application generally.

(a) The person claiming an exemption under this division for solar energy equipment, facilities or devices must file an application with the department of planning, building and development on forms provided for that purpose.

(b) The application must be accompanied by a complete set of plans and specifications of the solar energy equipment, facilities or devices for which exemption is claimed. The application must also be accompanied by sworn statements of contractors or suppliers attesting to the cost of the purchase and installation of the solar energy equipment, facilities or devices for which exemption is sought.

§32-103.10. Appeals from decisions of the department of planning, building and development.

Any person aggrieved by a decision of the department of planning, building and development under this division may appeal such decision to the building code board of appeals, which may affirm or reverse such decision.

§32-103.11. Approval and certification of application.

If after receipt of a completed application under this division and an inspection of the subject solar energy equipment, facilities or devices, the department of planning, building and development determines that the requirements for exemption have been met, it shall approve and certify the application and transmit the same to the local assessing officer.

§32-103.12. Determination of value by local assessing officer.

Upon receipt of a certificate from the department of planning building and development pursuant to this division, the local assessing officer shall proceed to establish the value of qualifying solar energy equipment, facilities or devices to be exempted from taxation. The exemption provided by this section shall be determined by applying the local tax rate to the value of such equipment, facilities or devices and subtracting that amount either (i) from the total real property tax due on the real property to which such equipment, facilities or devices are attached or (ii) if such equipment, facilities or devices are taxable as machinery and tools under §58.1-3507, from the total machinery and tool tax due on such equipment, facilities or devices, at the election of the taxpayer.

§32-103.13. Presumption as to value.

For purposes of the administration of this division, and for no other purposes, the value of certified solar equipment, facilities or devices qualifying for exemption shall be presumed to be not less than the normal cost of purchasing and installing such equipment, facilities or devices.

§32-103.14. Effective date and duration of exemption.

The exemption determined by the local assessing officer as provided in this division shall be effective beginning the first day of the tax year next succeeding the certification of the department of planning building and development and shall remain in effect for such tax year and the following four (4) tax years.

§32-103.15. Treasurer to be furnished annual list of exemptions; contents of list.

Annually on or before August fifteenth in each tax year, the local assessing officer shall furnish to the treasurer a list of all exemptions under this division effective as of the beginning of such tax year. Such list shall show the value of each applicable exemption, multiplied by the tax rate established for the year in question and extended to show the amount of real estate tax on each such property or machinery and tool tax to be exempted each year.

§32-103.16. Exemption to be credited against real estate taxes or against machinery and tool tax.

The treasurer shall be entitled to credit the amounts certified by the local assessing officer under §32-103.15 against the total taxes for the tax year in question and shall indicate the amount of each such exemption as a credit on the tax tickets of each qualifying property.

§32-103.17. False claims for exemption.

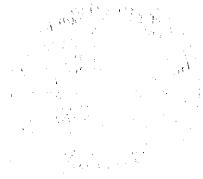
(a) It shall be unlawful for any person falsely to claim an exemption under this division or knowingly make a false statement in connection with any application for such an exemption

(b) A violation of this section shall constitute a Class 1 misdemeanor.

2. Pursuant to §12 of the Roanoke City Charter, the second reading by title paragraph of this ordinance is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
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CityWeb: www.roanokegov.com

February 7, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

**Subject: Revisions to the Tax
 Exemption Requirements for
 Rehabilitation of Residential
 Real Property**

Background:

In the fall of 2004, City Council was briefed on proposed changes for participation in the City's program that allows tax exemptions for the rehabilitation of residential, commercial, and industrial real property. On October 18, 2004, Council adopted recommendations on commercial, industrial, and multi-use property. Council requested that the recommendations regarding the rehabilitation of residential property be re-evaluated in coordination with the development of the Housing Strategic Plan. Subsequent to that session, staff met with the Housing Strategic Planning Steering Committee to obtain their comments, and they also received feedback from David Whitlow of K. W. Poore & Associates, Inc. In addition, further analysis and research of the previous recommendations was done.

As a result, the recommended changes to the residential portion of the program now include:

- Eliminating the restrictions on increased square footage on residential real property. Currently, total square footage must not be increased by more than 15%.
- For a residential structure with an assessed value below \$10,000, allowing an exemption if the structure is demolished provided that the replacement

structure is a single-family residence with an assessed value of at least 120% of the median value of other dwelling units in the neighborhood. The exemption shall not apply, however, when any structure demolished is a registered Virginia landmark or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district. Currently, an exemption shall not apply when any existing structure is demolished or razed and a replacement structure is constructed.

- For any residential structure which has an assessed value, prior to rehabilitation, equal to or greater than \$300,000, the exemption shall begin on July 1st of the tax year following completion of the rehabilitation, renovation, or replacement and shall only run with the real estate for three years. This will apply regardless of its historic designation, its location, or the percent net reduction in number of dwelling units after rehabilitation.

Recommended Action:

Adopt the attached ordinance amending and re-ordaining Division 5, Exemption of Certain Rehabilitated Real Property, section 32-95, Eligibility of residential real property, and section 32-100, Demolition, of Chapter 32, Taxation, Code of the City of Roanoke (1979), as amended, by amending the eligibility requirements for tax exemption based on the recommendations noted above.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:rbI

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Susan S. Lower, Director of Real Estate Valuation
R. Brian Townsend, Director of Planning, Building, and Development

CM05-00007

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §32-95, Eligibility of residential real property, and §32-100. Demolition, Division 5, Exemption of Certain Rehabilitated Real Property, of Chapter 32, Taxation, Code of the City of Roanoke (1979), as amended, by amending the eligibility requirements for tax exemption; establishing a limitation on number of years certain exemptions can exist, and by adding an exception to the applicability of exemptions for real property on which demolition of structures have occurred; and dispensing with the second reading by title paragraph of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke, as follows:

1. Section 32-95, Eligibility of residential real property, Division 5, Exemption of Certain Rehabilitated Real Property, of Chapter 32, Taxation, Code of the City of Roanoke (1979), as amended, is hereby amended by changing the eligibility requirements for residential real property, and such section is hereby reordained to read and provide as follows:

§32-95. Eligibility of residential real property.

(a) In order to qualify for the exemption from real property taxation for real property substantially rehabilitated for residential use, a structure shall meet all of the following criteria:

- (1) Be no less than twenty-five (25) years of age;
- (2) Be improved so as to increase the assessed value of the structure by no less than forty (40) percent;
- (3) ~~Be improved without increasing the total square footage of such structure by more than fifteen (15) percent;~~
- (4)(3) Be designed for and suitable for residential use, at least in part, after completion of such improvement; and

- (~~5~~) (4) Be improved without increasing the current number of dwelling units.

* * *

(c) For any residential structure which is assessed, prior to rehabilitation, at \$300,000 or more, the exemption shall commence July 1 of the tax year following completion of the rehabilitation, renovation, or replacement of the structure, and shall be limited to three years regardless of any other provision in this Division.

2. Section 32-100, Demolition, Division 5, Exemption of Certain Rehabilitated Real Property, of Chapter 32, Taxation, Code of the City of Roanoke (1979), as amended, is hereby amended by adding an exception to the applicability of exemptions for real property on which demolition of structures has occurred, and shall read and provide as follows:

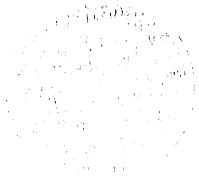
§32-100. Demolition.

The exemption provided in this division shall not apply when any existing structure is demolished or razed and a replacement structure is constructed, unless the assessed value of the existing structure is less than \$10,000. The replacement structure must be in a single-family residence, and it must have an assessed value of at least 120% of the median value of other dwelling units in the neighborhood, as determined by the director of real estate valuation. Such exemption shall not apply when the structure to be demolished is a Virginia registered landmark, or is determined by the Division of Historic Resources to contribute to the significance of a registered historic district.

3. Pursuant to §12 of the Roanoke Charter, the second reading by title paragraph of this ordinance is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

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February 7, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Rescue Squad Assistance
Grant

Background:

The Virginia Department of Health, Office of Emergency Medical Services administers a Rescue Squad Assistance Fund (RSAF) grant program that is awarded twice annually. Roanoke Fire-EMS applied in September 2004 for this grant in order to purchase 12 Lead EKG and Mass Casualty Equipment. The 12 Lead EKG equipment will be used to pilot test, in partnership with Carilion Health Systems and Lewis Gale Hospital, the benefits of performing 12 lead EKGs pre-hospital. The Mass Casualty Equipment will be used to update the City's Mass Casualty Incident trailer capability and modernized the equipment in light of today's needs.

In January 2005, the State Office of Emergency Medical Services awarded Roanoke Fire-EMS a grant of \$25,000 for this project, requiring \$13,000 in matching funds. Matching funding for this grant will be provided from three outside sources as follows: \$4,500 from Carilion Health Systems, \$4,500 from Lewis Gale Hospital and \$4,000 from the Near Southwest Virginia Preparedness Alliance. Local cash funding from the City of Roanoke is not required.


Considerations:

City Council action is needed for the City to formally accept and appropriate these funds, and authorize the Director of Finance to establish revenue estimates and appropriate accounts to purchase the equipment and supplies in accordance with provisions of this grant.

Recommended Action:

Accept the grant as described above and appropriate State grant funds of \$25,000 and local contributions of \$13,000 with corresponding revenue estimates in accounts to be established by the Director of Finance in the Grant Fund. Authorize the City Manager to execute any required grant agreements or documents, such to be approved as to form by the City Attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:jsf

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
George C. Snead, Assistant City Manager for Operations
James Grigsby, Fire-EMS Chief
Sherman M. Stovall, Director of Management and Budget
Ken King, Fleet Manager

CM05-0006

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for the Rescue Squad Assistance Fund Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

Expendable Equipment (<\$5,000)	035-520-3561-2035	\$ 20,000
Program Activities	035-520-3561-2066	18,000

Revenues

Rescue Squad Assistance Fund EKG FY05-State	035-520-3561-3560	25,000
Rescue Squad Assistance Fund EKG FY05-Other	035-520-3561-3563	13,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the acceptance of the Rescue Squad Assistance Fund ("RSAF") Grant made to the City of Roanoke by the Virginia Department of Health, Office of Emergency Medical Services, and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents approved as to form by the City Attorney.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke hereby accepts the offer made by the Virginia Department of Health, Office of Emergency Medical Services, of the Rescue Squad Assistance Fund Grant in the amount of \$25,000.00
2. The City Manager or the Assistant City Manager is hereby authorized to accept, execute and file on behalf of the City any documents setting forth the conditions of Virginia Department of Health, Office of Emergency Medical Services, RSAF Grant approved as to form by the City Attorney.
3. The City Manager or the Assistant City Manager is further directed to furnish such additional information as may be required by the Virginia Department of Health, Office of Emergency Medical Services, in connection with the City's acceptance of the foregoing grant or with such project.

ATTEST:

City Clerk.



**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

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February 7, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and member of Council:

**Subject: Police Department Domestic
Violence Program Grant**

Background:

The Virginia Department of Criminal Justice Services (DCJS) provides grant funding for programs and activities which increase the apprehension, prosecution and adjudication of persons committing violent crimes against women. The program, "Virginia Services, Training, Officers, Prosecution Violence Against Women" (V-STOP) has funded the establishment of a Domestic Violence Unit within the Police Department since 1999.

The Domestic Violence Unit collects and interprets relevant domestic violence offense data which allows proactive case intervention and cultivation of the cooperative working relationships with clients and service/adjudication agencies. The program produces more equitable victim-offender criminal justice dispositions related to domestic violence offenses.

On December 16, 2004, DCJS awarded the Police Department \$34,703 to employ its full-time, non-sworn Domestic Violence Specialist thereby allowing continuance of the Domestic Violence Unit in calendar year 2005. The required City in-kind match of \$11,567 will be met through salary paid to current Police Department personnel. There is no required local cash match. However, due to an increase of less than one percent in the grant award amount over last year

the Police Department will need to provide a cash match of \$4,712. This expenditure will be necessary to continue to fully fund the salary portion of the Domestic Violence Specialist. This match funding is available in the police department's operating budget.

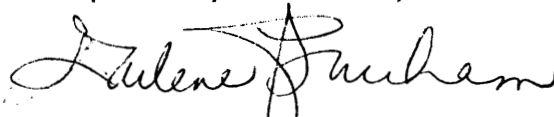
Recommended Action:

Accept the V-STOP grant described above and authorize the City Manager to execute the grant agreement and any related documents, in such form as is approved by the City Attorney. Appropriate State grant funds of \$34,703 and local cash funding of \$4,712 with corresponding revenue estimates in accounts to be established by the Director of Finance in the Grant Fund. Transfer funding in the amount of \$4,712 from 035-640-3302-2035 to provide local cash funding.

Appropriation:

<u>Description</u>	<u>Account</u>	<u>Amount</u>
Regular Employee Salaries	035-640-3327-1002	\$ 24,646
Retirement	035-640-3327-1105	\$ 3,702
FICA	035-640-3327-1120	\$ 2,246
Medical Insurance	035-640-3327-1125	\$ 3,540
Dental Insurance	035-640-3327-1126	\$ 235
Life Insurance	035-640-3327-1130	\$ 334
 SUB TOTAL		 \$ 34,703
 Cash Match	from 035-640-3302-2035 to 035-640-3327-1002	 \$ 4,712
 TOTAL		 \$ 39,415

Respectfully submitted,



Darlene L. Burcham
City Manager

The Honorable Mayor and Members of Council
February 7, 2004
Page 3

DLB:gws

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda Russell, Assistant City Manager
A. L. Gaskins, Chief of Police

CM05-0005

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for the Police Department Domestic Violence Program Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

Regular Employee Salary	035-640-3327-1002	\$ 29,358
City Retirement	035-640-3327-1105	3,702
FICA	035-640-3327-1120	2,246
Medical Insurance	035-640-3327-1125	3,540
Dental Insurance	035-640-3327-1126	235
Life Insurance	035-640-3327-1130	334

Revenues

VSTOP Grant - Local - CY2005	035-640-3327-3320	4,712
VSTOP Grant - State - CY2005	035-640-3327-3327	34,703

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION accepting the Virginia Services, Training, Officers, Prosecution (VSTOP) Violence Against Women Grant offer made to the City by the Virginia Department of Criminal Justice Services and authorizing execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke does hereby accept the Virginia Services, Training, Officers, Prosecution (VSTOP) Violence Against Women grant offered by the Virginia Department of Criminal Justice Services in the amount of \$34,703 upon all the terms, provisions and conditions relating to the receipt of such funds. The grant, which requires an \$11,567 in-kind match by the City, is more particularly described in the letter of the City Manager to Council, dated February 7, 2005.

2. The City Manager and the City Clerk are hereby authorized to execute, seal, and attest, respectively, the grant agreement and all necessary documents required to accept the grant, that may be required for the City's acceptance of this grant, all such documents to be approved as to form by the City Attorney.

3. The City Manager is further directed to furnish such additional information as may be required in connection with the City's acceptance of this grant.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

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February 7, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
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Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

**Subject: Department of Social Services,
 Increase in Staff Complement**

Background:

Employment services unit has experienced a 50% increase in their Virginia Initiative for Employment not Welfare (VIEW) caseloads over the past seven months. This increase is attributed to a regional economy that continues to be difficult for the population we serve, which often consists of individuals with a poor work history and limited skills that impede employability. Cases are also remaining open for a longer period of time for the same reasons. It also is evident that there are more clients with difficult and sometimes hidden barriers, such as mental health problems and substance abuse. These individuals require more attention and more intense services. Due to these factors, the department is experiencing an increased need for assessments, treatment and other purchased services that help enable these customers to become more viable candidates for employment.

The foster care unit in our agency (and typically throughout Virginia and the nation) experiences tremendous staff turnover and burnout. The demands on foster care social workers are ever increasing. Again, the issues facing foster children and their families are much more complex compared to the past, and interventions require substantial staff time in order to be successful. The Roanoke Interagency Council has identified staffing concerns as a significant

problem, and the RIC is developing several strategies to address staffing levels and staff competency.

Considerations:

State funds for VIEW services pay 100% of all program costs, including direct services for clients, equipment needs and staff salaries and benefits. The State budget for the VIEW program (State line item 872) is in excess of the City's adopted budget for Employment Services. There is an additional \$126,500 in FY 05 State funding available for use by the VIEW program. These funds can be used to hire two additional employment service workers, purchase necessary equipment and workspace reconfigurations, as well as meet the increasing needs for purchased services such as work assessments and supplies that are necessitated by the larger client caseload. The incremental personnel cost increase for the remainder of FY 05 is \$13,575. The full year cost would be \$80,244.

The VDSS has allocated the City funds this year under the Promoting Safe and Stable Families (PSSF) program, as they have for several years. This program can pay for a part-time foster care social worker. Again, the full cost of this position would be paid from the PSSF allocation, with no cost to the City. The incremental personnel cost increase for the remainder of FY 05 is \$6,687. The full year cost would be \$20,061.

Recommended Action:

Authorize the Department of Social Services to increase staff complement by two full-time employment services workers (grade 11) and one part-time social worker (grade 11) for foster care.

Authorize the Director of Finance to increase the revenue estimate for Employment Services (001-110-1234-0681) by the amount of \$69,175 and appropriate funding to the following accounts:

001-630-5316-1002	(Regular Employee Salaries)	\$10,001
001-630-5316-1005	(City Retirement)	\$977
001-630-5316-1116	(ICMA Match)	\$225
001-630-5316-1120	(FICA)	\$782
001-630-5316-1125	(Medical Insurance)	\$1,180
001-630-5316-1126	(Dental Insurance)	\$78
001-630-5316-1130	(Life Insurance)	\$114

Honorable Mayor and Members of City Council
February 7, 2005
Page 3

001-630-5316-1131	(Disability Insurance)	\$26
001-630-5316-2020	(Telephone)	\$120
001-630-5316-3160	(Purchased Services)	\$43,222
001-630-5316-2035	(Expendable Equipment)	\$12,450

TOTAL		\$69,175
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Authorize the Director of Finance to transfer \$6,803 from 001-630-5314-3160 (Purchased Services) to the following accounts:

001-630-5314-1002	(Regular Employee Salaries)	\$5,000
001-630-5314-1005	(City Retirement)	\$488
001-630-5314-1116	(ICMA Match)	\$225
001-630-5314-1120	(FICA)	\$391
001-630-5314-1125	(Medical Insurance)	\$590
001-630-5314-1126	(Dental Insurance)	\$39
001-630-5314-1130	(Life Insurance)	\$57
001-630-5314-1131	(Disability Insurance)	\$13

TOTAL		\$6,803
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Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:tem

c: Mary Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager for Community Development
Sherman M. Stovall, Director of Management and Budget
Kenneth S. Cronin, Director of Human Resources
Jane R. Conlin, Director of Human/Social Services

#CM05-0009

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Commonwealth for increased staffing in the Department of Social Services, amending and reordaining certain sections of the 2004-2005 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 General Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

Regular Employee Salaries	001-630-5314-1002	5,000
City Retirement	001-630-5314-1105	488
ICMA Match	001-630-5314-1116	225
FICA	001-630-5314-1120	391
Medical Insurance	001-630-5314-1125	590
Dental Insurance	001-630-5314-1126	39
Life Insurance	001-630-5314-1130	57
Disability Insurance	001-630-5314-1131	13
Purchased Services	001-630-5314-3160	(6,803)
Regular Employee Salaries	001-630-5316-1002	10,001
City Retirement	001-630-5316-1105	977
ICMA Match	001-630-5316-1116	225
FICA	001-630-5316-1120	782
Medical Insurance	001-630-5316-1125	1,180
Dental Insurance	001-630-5316-1126	78
Life Insurance	001-630-5316-1130	114
Disability Insurance	001-630-5316-1131	26
Telephone	001-630-5316-2020	120
Expendable Equipment	001-630-5316-2035	12,450
Purchased Services	001-630-5316-3160	43,222

Revenues

Employment Services	001-110-1234-0681	9,175
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Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



**CITY OF ROANOKE
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

February 7, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

**Subject: Memorandum of Understanding
with VDOT regarding Lick Run
Greenway**

A Memorandum of Understanding (MOU) has been negotiated that would establish a cooperative effort between the Virginia Department of Transportation (VDOT) and the City of Roanoke for the temporary use of non-limited access rights-of-way along I-581 between the Orange Avenue interchange and Walker Avenue on the west side of I-581. This agreement is for the temporary placement of a portion of the Lick Run Greenway on the VDOT non-limited access rights-of-way pending future roadway corridor modifications. The MOU requires City Council to request VDOT's permission to temporarily place a portion of the greenway on VDOT's non-limited access I-581 rights-of-way. Further, City Council needs to agree to have the City of Roanoke pay all costs associated with removing the greenway at such time as future roadway corridor modifications necessitate its removal, if and when if and when removal is requested by VDOT. A copy of the MOU is attached to this letter (Attachment A).

Recommended Action(s):

City Council approve the terms of the attached MOU.

Authorize the City Manager to execute the attached MOU, dated January 20, 2005, subject to approval as to form by the City Attorney, between the City of Roanoke and the Virginia Department of Transportation for temporary use of non-limited

The Honorable Mayor and Members of Council
February 7, 2005
Page 2

rights-of-way along I-581 between the Orange Avenue interchange and Walker Avenue on the west side of I-581.

Authorize the City Manager to take such further action necessary as may be necessary to implement and comply with such MOU, including the removal of the greenway if such becomes necessary.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:JRP:dps

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Jennifer R. Price, Civil Engineer II
Phil Schirmer, City Engineer

CM05-0013

MEMORANDUM OF UNDERSTANDING

FOR

**The Lick Run Greenway Project
In the
City of Roanoke
EN98-128-109, PE101, RW201, C501 (UPC # 18773)**

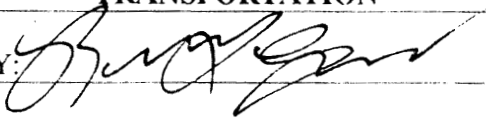
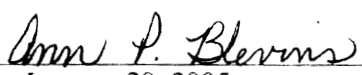
MEMORANDUM OF UNDERSTANDING

1. **PARTIES:** This Memorandum of Understanding is between the Commonwealth of Virginia, Virginia Department of Transportation, hereinafter referred to as "VDOT," and the City of Roanoke.
2. **DESCRIPTION AND LIMITS OF PROJECT:** This Agreement is for the temporary placement of a portion of the Lick Run Greenway on non-limited access rights of way along I-581 in the City of Roanoke between Orange Avenue and Walker Avenue on the west side of I-581. The overall Lick Run Greenway project consists of a three-mile greenway that will serve as an alternative transportation route, allowing residents and tourists to move quickly between commercial districts. This connection will give employees in these districts the opportunity to travel to work without an automobile. The greenway will provide a long needed connection between the Hotel Roanoke and the Roanoke Civic Center. The greenway will also connect hotels, five schools, two parks and six neighborhoods.
3. **INTENT:** It is the intent of this Memorandum of Understanding to establish a cooperative effort between the Virginia Department of Transportation and the City of Roanoke for the temporary use of non-limited access rights of way along I-581 in the City of Roanoke between the Orange Avenue interchange and Walker Avenue on the west side of I-581. Whereas the City of Roanoke desires to undertake a project to provide a greenway whose primary purpose is transportation; and, whereas the City of Roanoke has made efforts to locate this greenway outside of the right of way of I-581 and has been unsuccessful in obtaining a right of way or easements through this area for the purpose of constructing the greenway; and, whereas to maintain a consistent setting for the greenway, it has been deemed appropriate by both parties to seek and permit this temporary use of a portion of the I-581 right of way pending the future roadway corridor modifications to provide for temporary placement of the Lick Run Greenway between Orange Avenue and Walker Avenue. In so doing, both parties agree that this is a temporary placement of the greenway

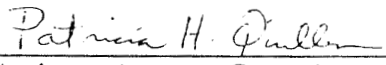
upon the I-581 non-limited access right of way; that it shall create no rights; and that the greenway use is only for a temporary period of time pending future roadway corridor modifications. At such time in the future that roadway corridor modifications may impact upon the Lick Run Greenway, the City of Roanoke agrees to pay all costs associated with relocating and reestablishing the Lick Run Greenway between Orange Avenue and Walker Avenue if the City determines that is appropriate and feasible and to assume full responsibilities and undertake all obligations necessary to remove the greenway from the I-581 right of way, and to reestablish it elsewhere if the City determines that is appropriate and feasible. It is further understood that both parties agree that future changes to the alignment of the highway or trail will not substantially impair the continuity of the trail and that an alternative to maintain continuity of the greenway in the future would be relocation of the trail to the City of Roanoke streets.

4. **CITY COUNCIL RESOLUTION:** The City of Roanoke will submit a resolution adopted by its City Council requesting VDOT's permission to temporarily place a portion of the greenway on VDOT's non-limited access I-581 right of way and agreeing to pay all costs associated with removing the greenway at such time as future roadway corridor modifications necessitate the removal of the greenway from its temporary location.
5. **LAND USE PERMIT:** VDOT will issue a revocable Land Use Permit to the City of Roanoke permitting a portion of the Lick Run Greenway to occupy the I-581 right of way for a temporary period of time pending future roadway corridor modifications, with terms and conditions to be further specified in the permit. The City of Roanoke understands and agrees that the permit may be revoked by the Virginia Department of Transportation whenever, in the Department's opinion, the safety, use, modification, construction, reconstruction and/or maintenance of either existing or future roadway corridors so require. However, VDOT must give the City of Roanoke 60 days written notice of such revocation and a reasonable period of time to remove the greenway.
6. **CONTINGENCY:** Permission from the Virginia Department of Transportation for the City of Roanoke to use a portion of the I-581 non-limited access right of way is contingent upon approval by the Roanoke City Council and the Federal Highway Administration (FHWA), and any agreements contained in this memorandum of understanding are void and of no effect if Roanoke City Council and FHWA approval is not granted.
7. **SIGNATURES:** The parties hereto agree that this memorandum of understanding accurately represents the intentions of the City of Roanoke and VDOT in allowing the temporary use of I-581 right of way for the purposes of constructing the Lick Run Greenway.

IN WITNESS WHEREOF, the parties sign and cause this Memorandum of Understanding to be executed on the 20th day of January 2005.

VIRGINIA DEPARTMENT OF TRANSPORTATION	CITY OF ROANOKE
BY: 	BY:
TITLE: District Administrator	TITLE:
DATE: January 20, 2005	DATE:
SIGNATURE OF WITNESS: 	SIGNATURE OF WITNESS:
DATE: January 20, 2005	DATE:

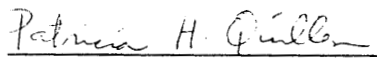
Approved as to Form:


Assistant Attorney General

Approved as to Form:

City Attorney

Approved as to Execution:


Assistant Attorney General

Approved as to Execution:

City Attorney

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION approving a Memorandum of Understanding (MOU) between the Virginia Department of Transportation (VDOT) and the City of Roanoke for the temporary use of non-limited access rights-of-way along I-581 in connection with the Lick Run Greenway; authorizing the City Manager to execute such MOU; and authorizing the City Manager to take such further action as may be necessary to implement and comply with such MOU.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council hereby requests VDOT's permission to place temporarily a portion of the Lick Run Greenway on VDOT's non-limited access I-581 right-of-way and agrees that the City will be responsible for all costs associated with removing such Greenway along the area identified in the MOU at such time as future roadway corridor modifications may necessitate the removal of that portion of the Greenway from such temporary location.
2. City Council hereby approves the terms of the MOU dated January 20, 2005, attached to the City Manager's letter to Council dated February 7, 2005, and hereby authorizes the City Manager to execute such MOU on behalf of the City, such MOU to be approved as to form by the City Attorney.
3. The City Manager is authorized to take such further action as may be necessary to implement and comply with the MOU, including the removal of the portion of the Greenway referred to in the MOU if such becomes necessary and requested by VDOT.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

February 7, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice-Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

**Subject: Resolution in Support of Railroad
Industrial Access Application by FreightCar
Roanoke, Inc.**

Background:

FreightCar Roanoke, Inc. is locating a facility in the former Norfolk Southern East End Shops in the City of Roanoke to produce aluminum railroad cars. The site needs upgrades to the rail lines costing in excess of \$2,000,000. FreightCar Roanoke, Inc. has approached the City of Roanoke to support FreightCar's application to the Virginia Department of Rail and Public Transportation (DRPT) Railroad Industrial Access Program for funds to help defray a portion of this cost. This application must be supported by the City for the industry and be accompanied by a resolution from the local governing authority in support of the application. The City will not incur any monetary obligation to provide any part of these funds.

Considerations:

The company will invest \$5.545 million and hire 400 employees in the next thirty (30) months. FreightCar Roanoke, Inc. is the same company receiving a \$200,000 Governor's Opportunity Fund (GOF) Grant, which GOF amount will be matched by the City. As part of this project, the company is requesting \$300,000 in Industrial Access Railroad Track Funds from the Department of Rail and Public Transportation (DRPT). In addition, if the company spends an additional \$300,000 in upgrading the


railroad track, the company is requesting DRPT to grant it additional monies equal to \$150,000.

Recommended Action:

Adopt a resolution in support of such application.

Authorize the City Manager to execute and/or provide appropriate documents for the Virginia Department of Rail and Public Transportation for the Railroad Industrial Access Program in connection with FreightCar Roanoke, Inc.'s application to assist the company in obtaining up to \$450,000 in Program funds and to state the City's support for FreightCar Roanoke, Inc. receiving such Program funds from the Commonwealth.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:lb

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
R. Brian Townsend, Acting Director of Economic Development
Sherman M. Stovall, Director of Management and Budget

CM05-00015

12.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION supporting the application or other documents to be filed with the Virginia Department of Rail and Public Transportation by FreightCar Roanoke, Inc., for up to \$450,000 in Industrial Access Railroad Track Funds and to state the City's support for FreightCar Roanoke, Inc., receiving such funds.

WHEREAS, FreightCar Roanoke, Inc., has expressed its intent and desire to the City of Roanoke to locate its industrial operations in the City of Roanoke;

WHEREAS, FreightCar Roanoke, Inc., and its operations will require rail access for such operations;

WHEREAS, the officials of FreightCar Roanoke, Inc., have reported to the City their intent to apply for Industrial Access Railroad Track Funds from the Commonwealth of Virginia's Department of Rail and Public Transportation in an amount up to \$450,000;

WHEREAS, the City has been advised that the locality within which the industry is locating must provide a resolution supporting such application; and

WHEREAS, FreightCar Roanoke, Inc. (FreightCar), has advised the City of Roanoke that FreightCar will file an application to receive Industrial Access Railroad Track Funds from the Commonwealth of Virginia's Department of Rail and Public Transportation in an amount of up to \$450,000, and the City wishes to indicate the City's support for such application.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council hereby endorses and supports the application to be filed by FreightCar Roanoke, Inc., for up to \$450,000 in Industrial Access Railroad Track Funds and makes known the City's desire and intent to assist and cooperate with the Commonwealth of Virginia's Department of Rail and Public Transportation and the Commonwealth Transportation Board so the Department and/or Board can provide the maximum financial assistance to FreightCar Roanoke, Inc., for the purpose of locating FreightCar Roanoke, Inc.'s facility in the City of Roanoke.

2. The City Manager is hereby authorized to execute and file on behalf of the City of Roanoke any and all appropriate documents required in connection with supporting the application to be filed by FreightCar Roanoke, Inc., for FreightCar to receive Industrial Access Railroad Track Funds from the Commonwealth of Virginia in an amount up to \$450,000, and to take such further action and furnish such additional information as may be required by the Commonwealth regarding such application, all as more fully set forth in the City Manager's letter to Council dated February 7, 2005.

ATTEST:

City Clerk.



WILLIAM M. HACKWORTH
CITY ATTORNEY

CITY OF ROANOKE
OFFICE OF CITY ATTORNEY
464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431
FAX: 540-853-1221
EMAIL: cityatty@ci.roanoke.va.us

February 7, 2005

TIMOTHY R. SPENCER
STEVEN J. TALEVI
GARY E. TEGENKAMP
DAVID L. COLLINS
HEATHER P. FERGUSON
ASSISTANT CITY ATTORNEYS

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Cooper Crouse-Hinds, LLC

Dear Mayor Harris and Council Members:

The City entered into a Lease and Option to Purchase agreement on July 7, 1983, with Cooper Industries, Inc., with regard to Parcels 2 and 6 at the Roanoke Centre for Industry and Technology (RCIT). Pursuant to the agreement, Cooper Industries, Inc., leased Parcel 2, with the right to purchase it, for 40 years, and it was given the right to lease or purchase Parcel 6 for the same time period.

Cooper Industries, Inc., has requested that the City agree to the assignment of the 1983 agreement to a newly-created subsidiary, Cooper Crouse-Hinds, LLC. See the attached letter dated December 21, 2004, to me from Gary Hargrave, Cooper's Manager of Real Estate Services. I have shared this letter with the City Manager, who concurs in this request. An ordinance which would authorize giving consent to the assignment is attached for your consideration. Please let me know if you have any questions about this matter.

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in dark ink, appearing to read "William M. Hackworth".

William M. Hackworth
City Attorney

WMH:f

Attachment

cc: Darlene L. Burcham, City Manager
R. Brian Townsend, Director of Planning, Building & Development
and Acting Director of Economic Development

Cooper Industries
P.O. Box 4446
Houston, Texas 77210-4446

600 Travis, Suite 5800
Houston, Texas 77002-1001
Phone: (713) 209-8400
Fax: (713) 209-8995



December 21, 2004

Mr. William Hackworth
215 Church Avenue, S.W.
Noel C. Taylor Municipal Building
Room 464
Roanoke, VA 24011

RE: Lease and Option to Purchase agreement dated July 7, 1983, between Cooper Industries, Inc. ("Cooper"), and the City of Roanoke (the "City")

Dear Mr. Hackworth;

Thank you for your letter of December 16, 2004. It appears that Cooper has tied the payoff of the Industrial Revenue Bond to the remaining financial obligations under the referenced lease. While Cooper investigates the remaining lease payments and its position regarding the purchase option on Parcel 6, we would request that the City of Roanoke consent to an assignment of the Lease and Option to Purchase Agreement to Cooper Crouse-Hinds, LLC, a Delaware corporation. Cooper is restructuring its Crouse-Hinds division and is transferring certain assets, including its interest in the Blue Hills Drive property, to the new Crouse-Hinds entity.

Attached is an Assignment and Assumption agreement transferring Cooper's rights and obligations under the lease to Cooper Crouse-Hinds, LLC. The lease agreement requires that the City consent to any transfer of Cooper's interest and we would appreciate the City's acknowledgment of the transfer with an authorized signature on the assignment document. After execution, please return a copy of the assignment me.

We appreciate your assistance with this assignment as we continue to pursue the transfer of the title. If you have any questions, please call me at (713) 209-8789. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Hargrave".

Gary Hargrave
Manager, Real Estate Services

ASSIGNMENT AND ASSUMPTION AGREEMENT

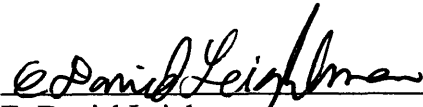
KNOW ALL MEN BY THESE PRESENTS:

That Cooper Industries, Inc., (the "Assignor"), subject to the prior approval of the City of Roanoke, Virginia (the "City"), hereby assigns and sets over unto Cooper Crouse-Hinds, LLC, with offices at Wolf & 7th North Street, Syracuse, New York 13221 (the "Assignee"), all of its rights, title and interest in, to and under that certain Lease and Option to Purchase agreement dated July 7, 1983, which is incorporated herein by reference for all purposes.

In consideration of the City consenting to this Assignment, the Assignee hereby covenants and agrees with the City to observe, comply with and pay all sums of any kind whatsoever and perform all obligations of any kind whatsoever as and when the same are due to be paid or performed by the Assignor pursuant to the terms of the Lease and Option to Purchase agreement during all of the term of the said agreement and any renewal or extension thereof.

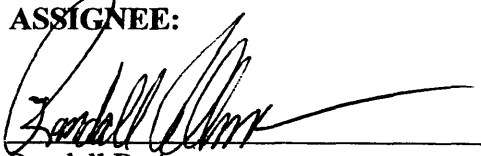
IN WITNESS WHEREOF, the Assignor and the Assignee execute this document for the purposes stated herein effective September 1, 2004.

ASSIGNOR:



E. Daniel Leightman
Vice-President
Cooper Industries, Inc.
Date: November , 2004

ASSIGNEE:



Randall B. Ammerman
Vice-President,
Cooper Crouse-Hinds, LLC
Date: November , 2004

Approval of and consent to this Assignment and Assumption Agreement is acknowledged by the authorized signature below:

THE CITY OF ROANOKE:

By:
Its:

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing execution of a Consent to Assignment and endorsement of an Assignment and Assumption Agreement whereby the City of Roanoke approves the assignment and assumption by Cooper Industries, Inc., of its right title and interest in, to and under a certain Lease and Option to Purchase to Cooper Crouse-Hinds, LLC; and dispensing with the second reading by title paragraph of this ordinance

WHEREAS, the City and Cooper Industries, Inc., entered into a Lease and Option to Purchase, dated July 7, 1983, for a term of forty years, relating to Parcels 2 and 6 located on Blue Hills Drive, in the Roanoke Centre for Industry and Technology, and Cooper Industries, Inc., has requested the consent of the City to the assignment and assumption from Cooper Industries, Inc., to Cooper Crouse-Hinds, LLC, a Delaware corporation, and requested the endorsement of the City of an Assignment and Assumption Agreement evidencing the City's consent to such assignment; and

WHEREAS, it is the desire of the Council of the City of Roanoke to consent to the assignment of the rights, title and interest in, to and under the Lease and Option to Purchase, all as more particularly recommended in the letter of the City Attorney to Council, dated February 7, 2005.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager and the City Clerk are hereby authorized to execute, and to seal and attest, respectively, a Consent to Assignment, to endorse an Assignment and

Assumption Agreement between Cooper Industries, Inc., and Cooper Crouse-Hinds, LLC,
each evidencing the consent of the City to the proposed assignment and assumption.

2. Pursuant to §12 of the Roanoke Charter, the second reading by title paragraph
of this ordinance is hereby dispensed with.

ATTEST:

City Clerk.



WILLIAM M. HACKWORTH
CITY ATTORNEY

CITY OF ROANOKE
OFFICE OF CITY ATTORNEY
464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431
FAX: 540-853-1221
EMAIL: cityatty@ci.roanoke.va.us

TIMOTHY R. SPENCER
STEVEN J. TALEVI
GARY E. TEGENKAMP
DAVID L. COLLINS
HEATHER P. FERGUSON
ASSISTANT CITY ATTORNEYS

February 7, 2005

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Agreement with CBL & Associates Management, Inc.

Dear Mayor Harris and Members of Council:

The City is planning to sponsor Citizen Appreciation Day at Valley View Mall on April 30, 2005. The new owners of the mall, CBL & Associates Management, Inc., require that the City execute an agreement in order to use the mall. This agreement contains a provision which requires that the City agree to indemnify and hold harmless CBL, and to defend it, in the event that anyone is injured or anything is damaged during the City's use of the premises. Only City Council can waive the City's sovereign immunity and agree to such a provision. CBL has refused to delete this provision.

I have prepared for your consideration the attached resolution which authorizes waiving the City's sovereign immunity, and authorizing the City Manager to execute this agreement.

With kindest personal regards, I am

Sincerely yours,

A handwritten signature in cursive script that reads "William M. Hackworth".

William M. Hackworth
City Attorney

WMH:f
Attachment
cc: Darlene L. Burcham, City Manager

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the waiver of the City's sovereign immunity in connection with the City's use of Valley View Mall for Citizen Appreciation Day, and authorizing execution of an agreement with Valley View Mall, LLC, through its agent, CBL Associates Management, Inc., in connection with such use of Valley View Mall.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. This Council hereby waives its sovereign immunity with regard to the City's use of Valley View Mall on April 30, 2005, in connection with its Citizen Appreciation Day activities.

2. The City Manager is hereby authorized to execute, for and on behalf of the City, upon form approved by the City Attorney, an Agreement relating to the City's use of Valley View Mall, on April 30, 2005, for its Citizen Appreciation Day activities.

ATTEST:

City Clerk.



CITY OF ROANOKE

DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

February 7, 2005

Honorable C. Nelson Harris, Mayor
 Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
 Honorable M. Rupert Cutler, Council Member
 Honorable Alfred T. Dowe, Jr., Council Member
 Honorable Sherman P. Lea, Council Member
 Honorable Brenda L. McDaniel, Council Member
 Honorable Brian J. Wishneff Council Member

Dear Mayor Harris and Members of City Council:

Subject: December Financial Report

The following narrative provides commentary on the significant events of the first half of fiscal year 2005.

Revenues

Revenues through December FY05 increased 7.92% compared to FY04. The adopted budget anticipates 3.4% growth over the previous year's budget, therefore much of the growth year-to-date is due to timing differences in the collection of revenues. Categories with significant variances from the prior year are discussed as follows.

General Property Taxes increased 9.35% in fiscal year 2005 due to an increase of nearly 8% in collections of real estate tax. The first installment of the real estate tax was due October 5th. The tax is expected to grow 7.4% as a whole in FY05 when compared to collections of FY04. Delinquent real estate revenues have also grown due to continued collection efforts.

Other Local Taxes have risen 4.97% in fiscal year 2005, mainly due to the earlier collection of the electric utility tax from AEP. This tax is due to the City at the end of each month, but in some months, payment is not received until the early days of the following month. E-911 taxes grew as the result of an increase in the rate from \$1.45 to \$2.00 which became effective November 1, 2003. In both fiscal years 2004 and 2005, the City has received one-time collections of prior year unpaid sales tax based on the results of audit reviews. Adjusted to exclude these non-recurring corrections, year-to-date sales tax has increased approximately 3% as of the most recent receipt of revenue, which includes retail sales activity through November. Sales tax revenue will fully reflect the performance of the holiday shopping season once the mid-February payment from the Commonwealth is received. The cellular phone utility tax has increased in the current year due to collections of prior year unpaid amounts in the amount of \$68,000. The prepared food and beverage tax has increased nearly 5% since FY04, while the transient room tax has slightly declined in FY05.

Grants-in-Aid Commonwealth increased 10.53%, due to increased revenues for social services and other state-funded programs. Total revenues from the Commonwealth in FY05 are estimated at approximately 2% above the FY04 level. In FY05, CSA (Comprehensive Services Act) revenues have increased, correlating with expenditure increases related to the program. Funding of our constitutional offices from the Compensation Board has increased approximately 5% compared to FY04, in part due to funding received this year for our Registrar's office related to the fall 2004 elections. E911 Wireless funding has increased year-to-date through December, yet it is expected to remain close to the FY04 level for the year as a whole. Street maintenance funding has increased 3%, as expected based on the State allocation. HB599 revenues are up approximately 9% which is consistent with expected growth in this revenue, also in accordance with the State allocation.

Grants-in-Aid Federal decreased compared to FY04 when reimbursements were received from FEMA related to flooding in February 2003.

Miscellaneous Revenue increased in the current year due to an increase in revenues from sale of surplus alley property, tax sales, donations and other nonrecurring revenues.

Internal Services increased due to a change in accounting between FY04 and FY05 for School Comprehensive Services Act (CSA) and School Resource Officer billings. In prior years, the school share of CSA costs were deducted from the transfer to schools.

The School Resource Officers were previously direct expenses of the schools. The resource officers are now accounted for in the City's Police Department and are billed by the General Fund to the Schools.

Expenditures

The FY05 expenditure budget includes funding of nearly \$1.8 million to cover contracts and purchase orders made during FY04 but not paid by the end of that year. City Council approved re-appropriation of this funding when adopting the General Fund budget in May.

General Fund expenditures increased .82%. There has been one fewer payroll on a year to date basis in fiscal year 2005 as compared to fiscal year 2004. This causes most departments' expenditures to decline in the current year. All departments are also affected by the fact that City employees received an average pay raise of 3.0% on July 1, 2004. Other than these items which affect most categories of expenditures, variances between FY04 and FY05 are addressed as follows.

Health and Welfare expenditures increased 9.59% despite the reduction in payroll costs on a year to date basis since CSA (Comprehensive Services Act) expenditures have risen. The CSA program has been a continually rising cost of the City due to the increasing number of children being served and some of the costly facilities at which services are provided.

Community Development expenditures decreased 9.72%. Contributions to Mill Mountain Zoo and Center in the Square declined in FY05. One-time contributions were made in FY04 for Mill Mountain Zoo's water line improvements (\$175,000), and for Center in the Square's roof replacement (\$77,000). Expenditures of Planning and Code Enforcement declined in FY05 due to a reduction in billings for technology services. These billings declined due to the removal of several computer work stations in the department. The subsidy to the Virginia Cooperative Extension Service declined on a year-to-date basis due to a timing difference.

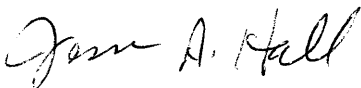
The Transfer to the Debt Service Fund has increased 9.43% primarily due to transfer related to the lease payment on the human services building. This lease began in January 2004.

The Transfer to School Fund increased as budgeted and is also impacted by the aforementioned change in accounting from FY04 to FY05 related to School CSA costs.

The Transfer to School Capital Projects Fund in FY04 resulted from an appropriation of fund balances relative to CMERP for school construction and renovation costs. There has been no similar transfer in FY05.

Nondepartmental expenditures decreased 24.30% due a net decline in transfers to other funds of the City. Transfers vary from year to year based on transactions between the General Fund and other funds of the City. In FY04, a one-time transfer of approximately \$2.8 million was made from the General Fund to the Parking Fund for the retirement of the lease of the Century Station parking garage. Conversely, transfers to the Capital Projects and Risk Management Funds increased as did funding to the Greater Roanoke Transit Company (GRTC). Each of these increases was essentially the result of timing differences.

Sincerely,



Jesse A. Hall
Director of Finance

JAH:ca

Attachments

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Sherman M. Stovall, Director of Management and Budget

**CITY OF ROANOKE, VIRGINIA
SUMMARY OF CITY MANAGER TRANSFERS
AND AVAILABLE CONTINGENCY
DECEMBER 31, 2004**

<u>Transfer Number</u>	<u>Date</u>	<u>Explanation</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
<u>General Fund:</u>					
CMT-929	08/03/04	Records Management Automation Program	Residual Fringe Benefits	Police Services	\$ 56,101
CMT-948	09/02/04	VISSTA	Residual Fringe Benefits	VISSTA	5,660
CMT-948	09/02/04	Electronic Transfer of Real Estate Deed Recordings	Residual Fringe Benefits	Commissioner of the Revenue	7,400
CMT-960	10/18/04	Phase I of City's Deer Management Program	Residual Fringe Benefits	Police Animal Control	64,440
CMT-974	11/22/04	Replace Security Van to Transport Inmates	Fleet Management- Capital Outlay	Jail	24,000
CMT-977	11/29/04	Professional Employee Search Fees	Contingency-General Fund	Human Resources	31,230
Total General Fund					<u>\$ 188,831</u>
<u>Fleet Management Fund:</u>					
CMT-974	11/22/04	Replace Security Van to Transport Inmates	Fleet Management- Capital Outlay	Jail	24,000
Total Fleet Fund					<u>\$ 24,000</u>
<u>Available Contingency</u>					
Balance of Contingency at July 1, 2004					\$ 865,465
Contingency Transfers:					
CMT-930	08/04/04	Virginia Museum of Transportation	Contingency	Roanoke Arts Commission	(22,000)
CMT-955	09/17/04	Litigation Costs	Contingency	Economic Development	(55,000)
CMT-957	10/07/04	Low Cost Air Carrier Consulting	Contingency	Regional Competitiveness Program	(15,300)
CMT-964	11/01/04	Citizen Service Center Decentralization Project	Contingency	Citizen Service Center	(24,958)
CMT-966	11/01/04	Bird Abatement Program	Contingency	Transportation- Streets & Traffic	(10,000)
CMT-968	11/10/04	Sublease Amendment at Jefferson Center	Contingency	Fire- Operations	(12,019)
CMT-968	11/10/04	Sublease Amendment at Jefferson Center	Contingency	Police- Training	(12,985)
CMT-971	11/22/04	Low Cost Air Carrier Consulting	Contingency	Regional Competitiveness Program	(1,800)
Available Contingency at December 31, 2004					<u>\$ 711,403</u>

Notes:

Under City Code section 2-121, the City Manager has authority to make transfers up to \$75,000 between departments, and to make transfers of any amount within departments. The scope of this report is limited to interdepartment transfers that are \$10,000 or greater.

**CITY OF ROANOKE, VIRGINIA
GENERAL FUND**

STATEMENT OF REVENUE

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - December 31 2003-2004	July 1 - December 31 2004-2005	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
General Property Taxes	\$ 28,658,950	\$ 31,337,808	9.35 %	\$ 87,491,000	35.82%
Other Local Taxes	19,098,105	20,047,016	4.97 %	62,631,000	32.01%
Permits, Fees and Licenses	542,763	584,276	7.65 %	1,112,000	52.54%
Fines and Forfeitures	675,229	703,327	4.16 %	1,321,000	53.24%
Revenue from Use of Money and Property	319,108	345,843	8.38 %	735,000	47.05%
Grants-in-Aid Commonwealth	16,041,126	17,730,615	10.53 %	47,920,839	37.00%
Grants-in-Aid Federal Government	113,552	19,385	-82.93 %	34,000	57.01%
Charges for Services	4,607,495	4,242,457	-7.92 %	8,115,000	52.28%
Miscellaneous Revenue	138,432	248,030	79.17 %	384,484	64.51%
Internal Services	812,716	1,374,422	69.11 %	2,730,000	50.35%
Total	\$ 71,007,476	\$ 76,633,179	7.92 %	\$ 212,474,323	36.07%

STATEMENT OF EXPENDITURES AND ENCUMBRANCES

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - December 31 2003-2004	July 1 - December 31 2004-2005	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
General Government	\$ 6,008,130	5,656,985	-5.84 %	\$ 6,038,575	\$ 11,695,560	48.37%
Judicial Administration	3,122,217	3,092,911	-0.94 %	3,826,048	6,918,959	44.70%
Public Safety	27,519,003	27,603,384	0.31 %	24,850,867	52,454,251	52.62%
Public Works	12,429,121	12,857,972	3.45 %	9,604,676	22,462,648	57.24%
Health and Welfare	14,498,700	15,888,517	9.59 %	14,260,242	30,148,759	52.70%
Parks, Recreation and Cultural	4,686,050	4,391,101	-6.29 %	4,292,732	8,683,833	50.57%
Community Development	3,474,780	3,136,883	-9.72 %	2,655,696	5,792,579	54.15%
Transfer to Debt Service Fund	10,790,699	11,807,938	9.43 %	3,075,353	14,883,291	79.34%
Transfer to School Fund	24,444,723	26,380,423	7.92 %	25,944,963	52,325,386	50.42%
Transfer to School Capital Projects Fund	1,025,630	-	-100.00 %	-	-	0.00%
Nondepartmental	7,708,584	5,835,481	-24.30 %	4,942,400	10,777,881	54.14%
Total	\$ 115,707,637	116,651,595	0.82 %	\$ 99,491,552	\$ 216,143,147	53.97%

**CITY OF ROANOKE, VIRGINIA
SCHOOL FUND STATEMENT OF REVENUE**

Revenue Source	Year to Date for the Period			Current Fiscal Year	
	July 1 - Dec 31 2003-2004	July 1 - Dec 31 2004-2005	Percentage of Change	Revised Revenue Estimates	Percent of Revenue Estimate Received
State Sales Tax	\$ 2,986,333	\$ 3,457,258	15.77 %	\$ 10,995,555	31.44 %
Grants-in-Aid Commonwealth	19,301,699	24,117,228	24.95 %	51,526,081	46.81 %
Grants-in-Aid Federal Government	56,405	39,139	-30.61 %	120,899	32.37 %
Charges for Services	359,149	156,268	-56.49 %	2,611,116	5.98 %
Transfer from General Fund	24,473,481	26,380,423	7.79 %	52,325,386	50.42 %
Total	\$ 47,177,067	\$ 54,150,316	14.78 %	\$ 117,579,037	46.05 %

SCHOOL FUND STATEMENT OF EXPENDITURES AND ENCUMBRANCES

Expenditures	Year to Date for the Period			Current Fiscal Year		
	July 1 - Dec 31 2003-2004	July 1 - Dec 31 2004-2005	Percentage of Change	Unencumbered Balance	Revised Appropriations	Percent of Budget Obligated
Instruction	\$ 35,349,550	\$ 39,945,101	13.00 %	\$ 47,045,750	\$ 86,990,851	45.92 %
General Support	1,904,151	2,559,059	34.39 %	2,264,404	4,823,463	53.05 %
Transportation	2,020,937	2,439,366	20.70 %	2,284,456	4,723,822	51.64 %
Operation and Maintenance of Plant	6,655,333	6,724,002	1.03 %	5,357,907	12,081,909	55.65 %
Facilities	1,864,596	1,128,331	-39.49 %	1,250,939	2,379,270	47.42 %
Other Uses of Funds	5,868,288	6,382,817	8.77 %	2,299,535	8,682,352	73.51 %
Total	\$ 53,662,855	\$ 59,178,676	10.28 %	\$ 60,502,991	\$ 119,681,667	49.45 %

**CITY OF ROANOKE, VIRGINIA
CIVIC FACILITIES FUND
COMPARATIVE INCOME STATEMENT
FOR THE SIX MONTHS ENDING DECEMBER 31, 2004**

	<u>FY 2005</u>	<u>FY 2004</u>
Operating Revenues		
Rentals	\$ 297,797	\$ 322,747
Event Expenses	106,613	97,852
Display Advertising	60,860	40,685
Admissions Tax	244,558	134,639
Electrical Fees	11,845	5,550
Novelty Fees	46,495	22,578
Facility Surcharge	134,075	134,489
Charge Card Fees	58,188	29,142
Commissions	44,626	26,734
Catering/Concessions	398,454	422,324
Other	14,716	8,395
Total Operating Revenues	<u>1,418,227</u>	<u>1,245,135</u>
Operating Expenses		
Personal Services	975,995	986,235
Operating Expenses	1,001,431	866,977
Depreciation	234,298	266,632
Total Operating Expenses	<u>2,211,724</u>	<u>2,119,844</u>
Operating Loss	<u>(793,497)</u>	<u>(874,709)</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	32,863	8,827
Flood Damage Reimbursements	-	23,453
Virginia Municipal League	-	11,865
Arena Ventures Contractual Penalties	122,970	117,506
Transfer from General Fund	499,483	459,565
Transfer from General Fund - Victory Stadium	102,277	113,728
Transfer from Capital Projects Fund	-	260,000
Transfer to Debt Service Fund	(48,409)	(43,784)
Miscellaneous	4,884	3,560
Total Nonoperating Revenues	<u>714,068</u>	<u>954,720</u>
Net Income (Loss)	<u><u>\$ (79,429)</u></u>	<u><u>\$ 80,011</u></u>

**CITY OF ROANOKE, VIRGINIA
PARKING FUND
COMPARATIVE INCOME STATEMENT
FOR THE SIX MONTHS ENDING DECEMBER 31, 2004**

	<u>FY 2005</u>	<u>FY 2004</u>
Operating Revenues		
Century Station Garage	\$ 185,871	\$ 204,887
Williamson Road Garage	263,173	219,845
Gainsboro Surface	28,552	21,308
Norfolk Ave Surface	34,129	28,416
Market Square Garage	113,806	112,857
Church Ave Garage	310,231	275,801
Tower Garage	203,162	206,427
Williamson Road Surface Lot	43,653	35,749
Gainsboro Garage	51,974	42,184
Other Surface Lots	<u>82,365</u>	<u>62,847</u>
Total Operating Revenues	<u>1,316,916</u>	<u>1,210,321</u>
Operating Expenses		
Operating Expenses	534,333	476,987
Depreciation	<u>288,824</u>	<u>278,700</u>
Total Operating Expenses	<u>823,157</u>	<u>755,687</u>
Operating Income	<u>493,759</u>	<u>454,634</u>
Nonoperating Revenues (Expenses)		
Interest on Investments	18,129	9,343
Transfer from General Fund (see note)	-	2,845,800
Transfer from Department of Technology Fund	-	78,000
Interest and Fiscal Charges	<u>(161,227)</u>	<u>(189,685)</u>
Net Nonoperating Revenues (Expenses)	<u>(143,098)</u>	<u>2,743,458</u>
Net Income	<u><u>\$ 350,661</u></u>	<u><u>\$ 3,198,092</u></u>

Note: The Transfer from General Fund for FY 2004 was to redeem the Century Station Garage lease.

**CITY OF ROANOKE, VIRGINIA
MARKET BUILDING FUND
COMPARATIVE INCOME STATEMENT
FOR THE SIX MONTHS ENDING DECEMBER 31, 2004**

	<u>FY 2005</u>	<u>FY 2004</u>
Operating Revenues		
Retail Space Rental	\$ 106,148	\$ 126,409
Total Operating Revenues	<u>106,148</u>	<u>126,409</u>
Operating Expenses		
Operating Expense	145,456	244,946
Depreciation	<u>3,883</u>	<u>3,887</u>
Total Operating Expenses	<u>149,339</u>	<u>248,833</u>
Operating Expenses	<u>(43,191)</u>	<u>(122,424)</u>
Nonoperating Revenues		
Interest on Investments	<u>53</u>	<u>1,366</u>
Net Nonoperating Revenues	<u>53</u>	<u>1,366</u>
Net Loss	<u><u>\$ (43,138)</u></u>	<u><u>\$ (121,058)</u></u>

**CITY OF ROANOKE, VIRGINIA
CITY TREASURER'S OFFICE
GENERAL STATEMENT OF ACCOUNTABILITY
FOR THE MONTH ENDED DECEMBER 31, 2004**

TO THE DIRECTOR OF FINANCE:

GENERAL STATEMENT OF ACCOUNTABILITY OF THE CITY TREASURER OF THE CITY OF ROANOKE, VIRGINIA FOR THE FUNDS OF SAID CITY FOR THE MONTH ENDED DECEMBER 31, 2004.

FUND	BALANCE AT NOV 30, 2004	RECEIPTS	DISBURSEMENTS	BALANCE AT DEC 31, 2004	BALANCE AT DEC 31, 2003
GENERAL	(\$6,522,492.49)	\$11,560,559.59	\$15,995,219.85	(\$10,957,152.75)	(\$12,223,776.19)
WATER	420.00	0.00	0.00	420.00	4,513,387.80
WATER POLLUTION CONTROL	1,738.22	0.00	0.00	1,738.22	10,445,766.44
CIVIC FACILITIES	8,428,832.88	279,443.04	235,357.57	8,472,918.35	1,015,441.16
PARKING	2,917,899.45	282,396.47	78,651.16	3,121,644.76	639,451.04
CAPITAL PROJECTS	62,657,798.98	125,678.36	3,300,189.04	59,483,288.30	49,120,291.42
MARKET BUILDING OPERATIONS	(43,518.00)	13,724.22	39,534.43	(69,328.21)	188,225.84
CONFERENCE CENTER	3,972,038.20	27,144.31	4,165.81	3,995,016.70	4,065,230.12
DEBT SERVICE	15,257,734.32	1,805,037.64	1,009,036.06	16,053,735.90	14,016,775.06
DEPT OF TECHNOLOGY	3,525,138.53	350,053.25	645,278.83	3,229,912.95	4,386,634.15
FLEET MANAGEMENT	(206,516.50)	165,960.51	430,965.95	(471,521.94)	156,308.61
PAYROLL	(13,203,061.50)	16,200,138.58	21,709,172.50	(18,712,095.42)	(17,120,049.11)
RISK MANAGEMENT	12,207,926.31	713,056.83	1,069,775.11	11,851,208.03	11,924,546.15
PENSION	620,923.13	1,787,621.72	1,737,424.89	671,119.96	1,093,670.74
SCHOOL FUND	5,136,272.34	6,598,178.74	8,337,829.20	3,396,621.88	8,142,396.89
SCHOOL CAPITAL PROJECTS	24,892,783.85	1,005,166.05	1,230,737.60	24,667,212.30	8,295,388.40
SCHOOL FOOD SERVICE	256,197.17	138,243.17	607,854.37	(213,414.03)	240,196.93
FDETC	0.00	0.00	0.00	0.00	88,958.47
GRANT	1,385,782.56	535,965.86	1,077,289.12	844,459.30	1,411,163.91
TOTAL	\$121,285,897.45	\$41,588,368.34	\$57,508,481.49	\$105,365,784.30	\$90,400,007.83

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE STATEMENT OF MY ACCOUNTABILITY TO THE CITY OF ROANOKE, VIRGINIA, FOR THE FUNDS OF THE VARIOUS ACCOUNTS THEREOF FOR THE MONTH ENDED DECEMBER 31, 2004. THAT SAID FOREGOING:

CASH

CASH IN HAND	\$98,806.47
CASH IN BANK	716,860.99

INVESTMENTS ACQUIRED FROM COMPETITIVE PROPOSALS:

COMMERCIAL HIGH PERFORMANCE MONEY MARKET	2,850,000.00
COMMERCIAL PAPER	2,982,978.33
LOCAL GOVERNMENT INVESTMENT POOL	7,259,491.49
MONEY MANAGEMENT ACCOUNT	10,557,661.95
REPURCHASE AGREEMENTS	2,500,000.00
U. S. AGENCIES	13,998,707.50
VIRGINIA AIM PROGRAM (U. S. SECURITIES)	24,408,979.39
VIRGINIA SNAP PROGRAM (U. S. SECURITIES)	39,992,298.18
TOTAL	\$105,365,784.30

JANUARY 19, 2005


EVELYN W. POWERS, TREASURER

**CITY OF ROANOKE PENSION PLAN
STATEMENT OF CHANGES IN PLAN NET ASSETS
FOR THE SIX MONTHS ENDED DECEMBER 31, 2004**

	<u>FY 2005</u>	<u>FY 2004</u>
<u>Additions:</u>		
Employer Contributions	\$ 2,939,968	\$ 2,333,971
Investment Income		
Net Appreciation (Depreciation) in Fair Value of Investments	20,380,593	27,568,444
Interest and Dividend Income	1,855,343	1,205,284
Total Investment Income (Loss)	22,235,936	28,773,728
Less Investment Expense	102,307	48,691
Net Investment Income (Loss)	22,133,629	28,725,037
Total Additions (Deductions)	<u>\$ 25,073,597</u>	<u>\$ 31,059,008</u>
 <u>Deductions</u>		
Benefits Paid to Participants	\$ 10,028,968	\$ 8,920,280
Administrative Expenses	284,570	263,319
Total Deductions	<u>10,313,538</u>	<u>9,183,599</u>
Net Increase (Decrease)	14,760,059	21,875,409
 Net Assets Held in Trust for Pension Benefits:		
Fund Balance July 1	<u>306,925,352</u>	<u>283,983,057</u>
Fund Balance December 31	<u>\$321,685,411</u>	<u>\$305,858,466</u>

**CITY OF ROANOKE PENSION PLAN
BALANCE SHEET
DECEMBER 31, 2004**

	<u>FY 2005</u>	<u>FY 2004</u>
<u>Assets</u>		
Cash	\$ 668,845	\$ 1,092,865
Investments, at Fair Value	322,937,541	306,508,823
Due from Other Funds	8,589	1,431
Other Assets	<u>6,531</u>	<u>6,150</u>
Total Assets	<u>\$ 323,621,506</u>	<u>\$ 307,609,269</u>
 <u>Liabilities and Fund Balance</u>		
Liabilities:		
Due to Other Funds	\$ 1,934,920	\$ 1,750,803
Accounts Payable	<u>1,175</u>	<u>-</u>
Total Liabilities	<u>1,936,095</u>	<u>1,750,803</u>
Fund Balance:		
Fund Balance, July 1	306,925,352	283,983,057
Net Gain (Loss) - Year to Date	<u>14,760,059</u>	<u>21,875,409</u>
Total Fund Balance	<u>321,685,411</u>	<u>305,858,466</u>
Total Liabilities and Fund Balance	<u>\$ 323,621,506</u>	<u>\$ 307,609,269</u>